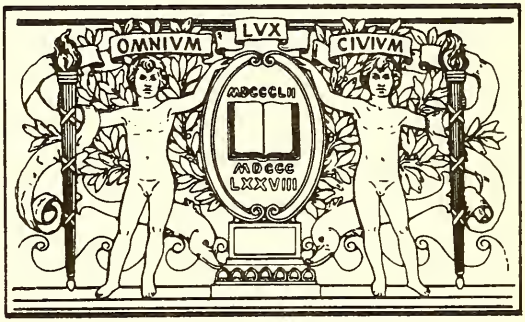


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THE SORTIE AT GIBRALTAR.

HISTORY OF ENGLAND,

BY

HUME AND SMOLLETT;

WITH

A CONTINUATION

BY

THE REV. T. S. HUGHES, B.D.

VOL. XV.



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THE

HISTORY OF ENGLAND,

BY

THE REV. T. S. HUGHES, B. D.

FROM THE DEATH OF GEORGE THE SECOND IN 1760.

With Historical Illustrations and Portraits.

A D. 1767 TO A.D 1777.

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HISTORY OF ENGLAND

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AMONG the affairs that came before parliament this session, was one which seemed to forebode a dissolution of the ministry. The taxes laid on the necessaries of life in consequence of the late war, were so grievously felt by the laboring and manufacturing classes, that it had been thought right to continue the land-tax at four shillings in the pound, rather than add to

the distresses of the people by increasing those imposts which pressed more immediately on them: this was a new measure; for heretofore the practice had been, to take off, at the return of peace, any addition that had been made to the land-tax in time of war: but as this custom had been discontinued for some years, the augmented land-tax began to be considered as a settled portion of the national revenue: to the surprise therefore and disappointment of ministers, a resolution now passed the house, supported by a considerable majority, reducing the land-tax for the present year to three shillings in the pound. In the language of the day, it was said, 'that the country gentlemen had bribed themselves with a shilling in the pound of their own land-tax:' but as this was the first money-bill in which any minister had been disappointed since the revolution, it was viewed as a fatal symptom of weakness in the administration.

The great business of the session was that of the East India company. We have already seen that a committee was appointed in November for investigating the nature of its charters, treaties, and grants; and for calculating all the expenses, civil, naval, and military, which had been incurred on its account by government. In the course of this scrutiny, many important questions arose and were discussed: amongst others, the company's right to any territorial acquisition, as also to a monopoly of trade, was boldly questioned. Whilst it was argued on one side, that from the costly protection afforded to the company, government had an equitable claim to the revenues of all territory acquired by conquest; it was denied, on the other, that the crown had made any reservation of this kind in its charters, which had been fairly purchased by the company, and could not be violated with safety to the general rights of property and to public faith. The power of the house of commons also was questioned as an interpreter of the laws, or a decider of legal rights; and as the chancellor of the exchequer's opinion leaned towards a denial of such power, he strongly recommended an amicable agreement to be made with the company: accordingly, a large party of proprietors, strenuous in supporting their claims, but equally disposed to prevent litigation, drew up proposals for an adjustment, which were agreed to by the directors; but when these were exhibited to the ministers, their want of union and cordiality created fresh embarrassments: none would undertake the management of the business; but they shifted the proposals from one to another, and would come to no determination, what to accept, or what to reject: wherefore, as a last resource,

a petition was presented to parliament, containing two sets of proposals for a temporary agreement, to last for three years.

The second of these appearing most reasonable to the house, a bill was founded on them, and a compromise effected, binding the company to pay to government the yearly sum of £400,000, for two years, by half-yearly payments; and to indemnify the nation, if any loss should be sustained, by reason of certain inland duties imposed, and some drawbacks granted at their request: but while the subject was under parliamentary discussion, a general court of proprietors had been held, at which the extraordinary step was taken of increasing the dividends to twelve and a half per cent., in consequence of anticipated advantages: as this was done against the express advice of ministers, who considered it a dangerous and delusive measure, calculated to create speculation in India stock and other securities, two bills were immediately brought into parliament; one for regulating the qualifications of voters in trading companies; the other for restraining the powers of the East India company in declaring dividends; which not only rescinded their last resolution, but tied them down from raising any dividend above ten per cent. before the next meeting of parliament: this bill met with considerable opposition; and the company, alarmed at such an encroachment on their privileges, petitioned the house to withdraw it; in which case they engaged to bind themselves not to raise their dividends above ten per cent. during the two years following. Their petition however and proposal were equally ineffectual: the bill was carried in spite of a powerful opposition; one of the secretaries of state and the chancellor of the exchequer being left in a minority in the house of commons, whilst a long argumentative protest was signed against it by nineteen of the peers.

Among the different expedients proposed by the chancellor of the exchequer this year for raising the supplies, which amounted to about £8,500,000, was one which tended to revive the question regarding the right of the British parliament to tax America. The unfixed and vacillating principles of Mr. Charles Townshend had led him to advocate the stamp-act in 1765, and to approve of its repeal in the following year.[1] The very next session, when the repeal began to be in as bad odor as the act itself had been, and when a conformity with the general sentiment on this subject was sure to be relished in the

[1] He was prevented from voting by illness.

highest quarters, he declared his opinion that a revenue ought to be extracted from America. 'Instantly,' says Mr. Burke, 'he was tied down to his engagements; and the whole body of courtiers drove him onward.'[2] The scheme proposed was to lay certain duties on glass, tea, paper, and painters' colors, imported from Great Britain into America;—a very unfortunate one at this particular time, when the ill humor caused by previous interference with the colonies was far from being allayed. The bill met with very little opposition in the British legislature; but it was considered by the Americans as a deceptive measure, similar in its object to the stamp-act; and it tended to revive a question which ought to have been studiously consigned to oblivion.

This imprudent act was followed by one more justifiable with reference to the assembly of New York, which had refused to comply with the statute requiring a grant of additional rations to the troops stationed in that province. The refractory disposition shown on this occasion by the colonists made it evident that their intention was to deny the jurisdiction of England altogether; so that when the matter came before the house, it occasioned several warm debates, with proposals for the adoption of rigorous measures to subdue this rebellious spirit. The general opinion however appeared to be, that they should be brought to a sense of duty by firm but moderate proceedings; and a bill was passed, to suspend the legislative power of the assembly until it should comply with the terms of the requisition.

On the second of July his majesty prorogued parliament with a speech, in which he observed, that his particular acknowlegements were due to the commons for the liberal provision they had made for his family; alluding to three annuities of £8000 each, which had been settled on his brothers, the dukes of York, Glocester, and Cumberland, in addition to what they received from the civil list. It was remarkable, that on the second reading of this bill in the house of lords, a protest was entered against it, with the solitary signature of lord Temple. The duke of York, whose affable manners and generous disposition had endeared him to all ranks of people,

[2] 'I will not,' says Mr. Nicholls, 'use so strong an expression as to say that he was treacherous to this administration; but he certainly saw that the earl of Chatham's greatness was on the decline; and that he should most readily increase his own importance by acquiescing in the wishes of the king.'—Recollections, vol. i. page 27.

unfortunately lived but a short time to enjoy this liberality of parliament: he died on his travels at Monaco on the seventeenth of November; and on the very day when his remains, which had been brought over to England, were interred in Henry VII.'s chapel, her majesty was safely delivered of her fourth son, prince Edward.

During the recess another event occurred, which appeared to threaten a total overthrow of the tottering cabinet, now no longer benefited by the advice, or supported by the popularity of lord Chatham. Charles Townshend, 'that prodigy,' as Mr. Burke denominated him, who was expected to surpass even the earl of Chatham in parliamentary eloquence, expired on the fourth of September; prevented only by his premature death from forming a new administration which he was then projecting, and from being handed down to posterity as the author of the American war. Soon afterwards several necessary changes took place among the great officers of state. On the first of December, lord North became chancellor of the exchequer, and Mr. T. Townshend succeeded him as paymaster of the forces. The Bedford party having been gained over, earl Gower accepted the president's chair, which was resigned to him by lord Northington: lord Weymouth was soon after nominated secretary for the northern department, in room of general Conway; and the earl of Hillsborough was appointed to the new office of secretary of state for the colonies: Mr. Charles Jenkinson also at this time made his entrance into public life as a lord of the treasury: during a long portion of his political career he was unpopular, on account of a generally-received opinion, countenanced by Mr. Burke, that he was the secret adviser of his sovereign, or leader of the king's friends: but he outlived this unpopularity, and became esteemed in parliament as a very respectable debater, a skilful politician, and an able expositor of international law. The ministry, thus remodelled, took the name of its leader, the duke of Grafton; 'a submissive administration,' as Junius calls it, 'gradually collected from deserters of all parties, interests, and connexions.' Inefficient, and without character, it began its inauspicious career with a failing revenue; with convulsions in the whole mercantile system; with a populace at home prepared for the most violent excesses; and with the colonists already in an uproar, disputing the rights of the mother country, and defying her authority. Two parties in opposition were ready to seize every opportunity of attack; the one headed by the cool and cautious Grenville, the

other led on and inspired by the vivid eloquence of Burke: differing amongst themselves on most points of policy, they were only kept together by their hostility to the feeble, fluctuating cabinet, whose overthrow they meditated. Without admitting the truth of those scurrilous charges and virulent invectives so unsparingly put forth against the duke of Grafton, it may be affirmed, that neither by force of moral character, nor depth of political wisdom, was he qualified to take the reins of government in such trying circumstances: in fact, he became minister almost by accident; nor did he ever possess the confidence either of the sovereign or the people.

On the twentieth of October, viscount Townshend, who had been appointed to the high office of lord lieutenant of Ireland, met the parliament of that country, and addressed them in a speech which appeared to give great satisfaction to its members. In their addresses to the king, they acknowleged his goodness in sending a chief governor so well qualified to represent his majesty in that assembly; and to his lordship himself they expressed the most flattering assurances of confidence in the appointment of a nobleman, who, being descended from ancestors distinguished by their inviolable attachment to the cause of liberty, and its great support, the succession of the house of Hanover, inherited the same principles, and steadily adhered to the same sentiments.

When the British parliament met on the twenty-fourth of November, the principal point recommended to its attention from the throne was the relief of the people from the distress still existing on account of the high price of provisions; and general Conway concluded his speech in support of an address of thanks, with a warm eulogy on the late chancellor of the exchequer, whose fertility in resources and soundness of judgment were particularly to be regretted in this juncture of affairs. 'His much lamented friend,' he said, 'had engaged to prepare a plan for the effectual relief of the poor in the article of provisions; and he had no doubt, if that great man had lived, but he would have been able to perform his promise: unfortunately for the public, his plan was lost with him; and though it was easy to find a successor to his place, it was impossible to find a successor to his abilities, or one equal to the execution of his designs.' Petitions from the city of London and other places were received on this subject; all the provision bills of last session, with regard to importation and exportation, were continued, and some of them amended: a new bill also was brought in for the importation of wheat and

flour from America. With the exception of these expedients for lowering the price of food, very little business of importance was transacted; and on the twenty-first of December the house of lords adjourned to the twentieth, and the commons to the fourteenth of January.

The principal event which occurred on the continent was the expulsion of the Jesuits from Spain. This order of men, which had so long ruled the cabinets and guided the consciences of monarchs, which had been the principal support of the papal authority, and had extended its influence into every quarter of the globe, now saw its ruin approaching. The marquis Pombal struck the first blow at its power even in the place where it seemed most firmly established: but though discarded from Portugal and France, it still lingered in Spain: yet in the early part of the present year the cabinet of Madrid took the resolution of precipitating its downfall. The real motives for this expulsion were not declared; since the king, in his decree of banishment, spoke only in general terms of keeping his people in a state of due subordination, tranquillity, and justice; though he professed other just, urgent, and necessary causes, which he kept within his own breast: the secresy however with which this stroke of state policy was prepared and executed, is very remarkable. The measure being once resolved on by the king, the conde d'Aranda and three other confidants of this great project were commissioned to concert the means of carrying it into effect: they met for this purpose in an old ruined house, at a distance from every other habitation; and the manner of the affair being settled, his majesty and the count took on themselves the execution of it. The orders to be sent into the four quarters of the world were all minuted, transcribed, and despatched by d'Aranda, signed by the king, and countersigned by himself as president of the council of Castile; so that, notwithstanding their extensive correspondence, connexions, and usual means of good intelligence, every member of the fraternity was surprised in his bed, without the least time to avert the danger, or the slightest warning of the impending blow.

Between eleven and twelve at night, the six different houses of Jesuits in Madrid were surrounded by large detachments of troops; who having procured means of entrance, secured the bells, and placed a sentry at the door of each cell: the brethren were then ordered to rise; and being assembled, they were made acquainted with the king's orders, and assisted in packing up such things as might be necessary for

their voyage: in the mean time, all the hired coaches and chaises in the city, as well as several waggons, had been secured and distributed in proper places; so that they began their journey to Carthagena very early in the morning, escorted by a numerous guard; and all this was effected without the least noise or disturbance; the inhabitants of Madrid being in their beds, and knowing nothing of the matter till next morning. On the third day following, the Jesuits college at Barcelona was invested by the civil and military powers; its members were sent off guarded for transportation, like those at Madrid; and their effects seized and sealed up: the same measures were put into execution at the same hour in every part of Spain: the strictest watch was kept at all the sea-ports, to prevent any of the fraternity from escaping in disguise to the Spanish Indies; and ships having been provided, the prisoners were, by different embarkations, conveyed to Italy; after which the king published a royal ordinance, for the expulsion of the order.

The news of this event was received at Rome with the greatest astonishment; and before it could in any degree subside, fourteen transports, convoyed by three Spanish men of war, arrived at Civita Vecchia, with 970 brethren on board, but were not permitted to land them: for his holiness rightly observed, that if all the catholic states should think proper to expatriate their Jesuits and consign them to his disposal, not only the states of the church, but all Italy would be too small to support its new inhabitants.

In the mean time, the convoy, after lying for some time in harbor, was ordered to proceed to Corsica, where it was detained, until it was joined by three other convoys, which had taken the same route from different parts of Spain: during three months the brethren had been closely kept in crowded vessels, in the hottest season of the year; men of all ages, not inured to hardships, with constitutions impaired by sedentary habits, afflicted also by grief, anxiety, and horror on account of this cruel separation from their native land and all human ties that are dear to mankind. The consequences were what might have been expected: they died in great numbers and great misery; but at length, when arrangements were completed with the republic of Genoa for their reception, the transports were disburdened of their unhappy freight, and the survivors were landed, to the number of about 2300.

As if to complete the sum of their misfortunes, the parlia-

ment of Paris at this time published an *arrêt* against them, in which they were declared enemies to sovereigns and to the public tranquillity of states; and all who had been indulged with the liberty of staying in the kingdom by the edict of November, 1764, were ordered to quit it for ever in fifteen days, under pain of criminal prosecution. Besides, the Spanish monarch's orders were executed in the colonies as they had been at home: 700 were suddenly arrested in Mexico alone, and secured till ships could be provided; so that cargoes of these miserable men were continually arriving in the ports of Spain. In the mean time, most of the catholic powers had published edicts, to forbid, under severe penalties, the reception of the expelled Jesuits in any part of their dominions; so that there is scarcely an instance in history of any body of men so intirely cut off and separated from the rest of mankind.

When affairs were settled in Spain, the storm, which had been some time expected, fell on the order in Naples and Sicily, where they were suddenly seized, and their effects confiscated: the prisoners, in this case, without ceremony, or leave being asked, were conveyed into the pope's dominions, the vicinity of which made every plan of opposition useless. His holiness indeed complained bitterly of the outrage, and presented memorials to all the foreign ministers resident at Rome; but these produced the same effect which the remonstrances of weak princes made to their powerful neighbors generally produce: they were carelessly answered, and no farther notice was taken of them. To increase the evil, there were at this time 800 of the Portuguese Jesuits still alive at Rome, where a scarcity of corn had for some years existed; and it was only with great care and difficulty that the horrors of a famine could be warded off: the present inundation from Naples brought 1500 additional mouths, exclusive of those that were transported from Sicily. Parma soon followed the example set her, and expelled the Jesuits from her dominions: but the vengeance of the princes, whose resentment they had provoked by their conspiracies, or whose cupidity they had excited by their wealth, was not satisfied: the most urgent applications for the intire abolition of the society were made to pope Clement XIII. who, in consequence of his refusal, involved himself in disputes which terminated only with his life. In 1773 the order was suppressed by Clement XIV. who is said to have been raised to the papacy for that express purpose; yet even Ganganelli, who for his liberal opinions

was called the protestant pope, at first hesitated to annihilate a society which he knew not how to condemn: but times were changed; and the successor of those pontiffs who trampled on the neck of kings was now obliged to bow in turn to the monarchs of his own communion. In fact, he dreaded a schism; and sacrificed his army of the faith to preserve his empire.

The measure thus effectually accomplished is said to have owed its origin to M. de Choiseul, who was disposed to it, no less by the liberal opinions which he had imbibed in the school of French philosophy, than by political considerations. The Jesuits, who at first had been with difficulty admitted into France, were impatiently endured there by all to whom they were not confessors. When we think of the direction they gave to their opinions, of the abuse they made of their credit, and of their remorseless disposition, we cannot be surprised that they were objects of general dislike to the people, and especially to the parliament, which had the merit of constantly repelling the attempts of the court of Rome, against the liberties of the French church and the rights of the nation; whilst it was scarcely possible for ministers not to conceive a deadly aversion to an ambitious, meddling society, which had so often affected their credit with the prince, and destroyed in the confessional what had been resolved on in the cabinet. No one felt this aversion to the Jesuits more strongly than M. de Choiseul: he had been ambassador at Rome; and in a conversation there with the general of the order, was not a little surprised on learning, that his own opinions respecting them, expressed in society at Paris, were perfectly well known. 'We know every thing,' said father Ricci to him, with more *naïveté* than prudence; 'we know perfectly well our friends and our enemies; and we have powerful means of discovering what it is interesting for us to know.' From this time M. de Choiseul sought the means of rooting out so dangerous an evil from the state; and most men in France were inclined to second him, except the indolent and voluptuous Louis XV.; because he feared less their importunities, than the trouble he must take to get rid of them.

In the mean time, the bankruptcy of R. P. Lavalette took place, who was chief of the missions to Martinique; when it was found that all the property of the society was administered by a general committee for the common interest, which was accordingly condemned to reimburse the creditors: and this suit gave an opportunity of inspecting the society's

statutes to the parliament, who became alarmed at the power over the French people, which was placed in the hands of a monk at Rome, which extended its despotism over every catholic country. A common clamor was raised against an institution so dangerous, and the most opposite parties united for its destruction; but all their exertions would probably have been in vain, had they not been strengthened by the mere will of a woman.

The marchioness de Pompadour, who had been raised by her beauty to the highest pitch of grandeur, sought to maintain a reputation in society; for which reason she solicited an appointment as lady of honor to the queen; and to obtain this from so pious a princess as Maria Leczinski, she not only feigned that all intimacy was broken off between the king and herself, but took the habits of a monastic order, and gave herself up to practices of the most austere devotion. To complete the delusion, she resolved to take a confessor; and as the direction of the court consciences at this period belonged to the Jesuits, she selected father de Sacy as her spiritual counsellor: he however was not like a father la Chaise, or le Tellier; he did not understand compromises and capitulations of conscience; but looking on the affair in a serious point of view, he required that his fair penitent should quit the court which she intended to edify, and recommended the example of la Valière to one who would rather have emulated the part of Madame du Maintenon. In vain he was requested to be less rigid: he remained obstinate, and declared it was on such terms only that he could guide the marchioness in the way of safety. She then abandoned the Jesuit, and confessed herself to a *Récollet*, who willingly gave her unconditional absolution: but she retained a most rancorous hatred, not only against father de Sacy, but the whole fraternity of Ignatius, which the good man had unluckily compromised, by calling in their authority to support and justify his rigor in this delicate affair. From that moment the ruin of the Jesuits was sealed: in France they had been suppressed in 1764; and the marchioness died the same year. This important measure was not executed in Spain till three years after: but there, as elsewhere, the influence of the Jesuits had been felt in all public affairs; and projects most prejudicial to the honor and rights of the reigning monarch were imputed to the general of their order. Whether this accusation was well founded or not, Charles III. was not less disposed to follow the example which had been

set him, almost involuntarily, by Louis XV.; nor, in all probability, was that prospect of wealth, to be acquired by the confiscation of their immense property, a slight inducement to the sovereigns who then sat on the thrones of Spain and the two Sicilies. In Mexico alone the sum thus raised was computed at 385,000,000 French livres; that in Peru and the southern provinces of the Spanish West Indies being still larger.[3]

Whatever may have been the faults, errors, and vices of this fraternity, it is impossible not to compassionate the lot of individuals, and the misery of so many men, who on account of their age and services were worthy of regard, and were struck by a blow as terrible as it was unexpected. To have reformed a society, like that of the Jesuits, which included in it so much talent and industry, might have been practicable, and would have been safe: but to dissolve it suddenly, when those religious ties, which are found to be the great safeguards of government, were much relaxed, tended to give spirit and encouragement to men who aimed at overturning all government in church or state; and without doubt hastened that grand catastrophe which soon followed. The effect must indeed have been strongly felt in France; which, according to the accounts of all who visited that country at this period, was in a state of dreadful demoralisation; and where, under the plea of destroying popery, the subversion of every thing that is sacred was meditated.[4]

It was not however likely that the libertine Louis XV. would see this danger; and his minister Choiseul was so intent on schemes of conquest and augmentation of territory, that nothing but an exhausted treasury prevented him from throwing the whole of Europe into confusion. Restrained from attempting more extensive operations, he had seized on the pope's possessions at Avignon, under pretence of forcing him to issue his bull to suppress the Jesuits; and feigning offence at the introduction of those exiles into Corsica, he contrived to embroil that country, and then to purchase it for the French government from the Genoese. This measure was expected to produce much opposition from the European courts; but

[3] See Annual Register for 1767, p. 33.

[4] See lord Orford's Works, vol. v. page 221: also two curious letters in Ellis's Original Correspondence, second series, vol. iv. page 484.

Choiseul by his representations induced the British cabinet to abstain from opposing the transfer; while Sardinia, the only other power particularly interested in the transaction, was too weak to counteract the designs of France.

The Corsicans, when informed of this sale of themselves and their country, held a general meeting, and swore to defend their liberties to the last gasp: the detail of skirmishes and pitched battles between their brave troops and the French, long engaged the attention of Europe, without drawing to them any succors; so that, after a gallant resistance, they were at length defeated, and the brave Paoli was obliged to seek his safety by flight: but the whole island was not completely subdued till 1769 when it was finally incorporated into the dominions of Louis XV.; its ecclesiastical affairs being subjected to the jurisdiction of the Gallican church.

When parliament reassembled after the holidays, the principal objects of its attention were the supplies to be granted to his majesty; since the land-tax, and the malt and cider duties only were settled before the recess. The estimate for the whole exceeded £8,000,000: in addition therefore to the former resources, and the annual payment from the India company, a loan of £1,900,000 was found necessary; of which £600,000 were to be raised by a lottery, and the remainder by redeemable annuities at three per cent. The interest of this new loan was charged on the sinking fund, out of which £2,500,000 were also to be issued for the service of the current year, besides £1,800,000 to be raised by exchequer bills, chargeable on the first aids of next session.

The act for restraining the East India company from augmenting their dividend, being expired, was now renewed for the ensuing year. The company presented a strong remonstrance against this exercise of authority, claiming exemption not only as a chartered body, but as British subjects, from interference, which, if made a precedent, might affect all public and private property in the nation: but the bill passed both houses with a large majority.

The ministry however were more closely run, when Sir G. Saville, a member of opposition, made a motion for introducing into the commons a bill for settling and securing the possessions of the subject from all obsolete claims, especially those of the crown; against which, according to an old maxim of the law, no length of time could plead prescription: hence this measure took the appellation of the *Nullum tempus*

bill;[5] its object being to make sixty years' possession a bar against all claims whatsoever. It originated in a litigation between the families of Bentinck and Lowther, the former of whom had now held the honor of Penrith in Cumberland, with its appurtenances, as a grant from king William III., about seventy years; and, together with this, the forest of Inglewood, and the soccage of Carlisle castle, included under the same tenure, though not specially named in the instrument. The omission was supposed to be a mere stroke of policy in the monarch, who was unwilling to excite jealousy by too large a specification of terms in his grant to a favorite and a foreigner: nevertheless, Sir James Lowther, being aware of the omission, applied to the lords of the treasury for a lease of the premises in question, on such terms as might be thought proper; which he obtained, owing to the surveyor-general's report, that the said premises were not conveyed by the grant from king William to the first earl of Portland, but were still invested in the crown. In the debates which ensued, it was argued, on the ministerial side of the question, that, the right being in the crown, the assertion of it was not more unfair than in the case of a private individual: that the resumption of many such grants would be not only equitable, but useful in alleviating the burdens of the public: that the founder of the Portland family and his successors had been sufficiently remunerated for services performed; and that after the enjoyment of an estate, to which they had no claim, for seventy years, they might contentedly resign it to the real owner; especially as no demand would be made for arrears. The duke of Portland's friends, on the other side, asserted that the original grant comprised, in its general terms, the premises now contended for; or if not, that length of possession ought, as in the case of private persons, to be a bar against all questions of title. The unpopularity, tyranny, and danger of a resumption by the crown were strongly urged; and the revival of this dormant prerogative appeared so alarming, that it was with great difficulty, and with a majority of only twenty, that ministers could obtain a postponement of the bill to the ensuing session. The clamor against them out of doors was greater than within: Sir James Lowther was son-in-law of lord Bute, and a strong partisan of ministers: the favor shown to him

[5] From the old maxim, *nullum tempus occurrit regi*, or, 'no time is a bar to the claims of the crown.'

appeared so evidently tending to electioneering purposes, and originating in party views, that Junius himself had tolerably fair grounds for asserting 'that they had hoarded up those unmeaning powers of the crown, as a grand military magazine, towards breaking the fortunes and depressing the spirit of the nobility; for drawing the common people from their reliance on the natural interests of the country, to an immediate dependence on the crown; and principally for enabling ministers, public or secret, to domineer and give the law in future elections.'[6] Of all the faults which a statesman can commit, there is perhaps no one more destructive to his own power, than that of conferring the favors and patronage of the crown on unworthy persons, or making them serve unworthy purposes: yet from the history of cabinets, one would suppose that the reverse of this was held to be true.

As it was certain that a dissolution of the present parliament would take place at the end of this session, great efforts were made to obtain influence at the approaching general election: all the engines of corruption were set in motion; advertisements even appeared in the public papers, offering premiums for a seat in the house of commons; and the mayor, bailiffs, and principal members of the corporation of Oxford went so far as to demand from their representatives, Sir T. Stapleton and Mr. Lee, a sum of money for their re-election, in order to pay off an encumbrance which lay heavy on the city. This demand being made during the session, the sitting members very properly laid the letter before the house; when the magistrates who had signed it, being ordered to appear at the bar, were committed to Newgate. After a few days, a petition was presented from the offending parties, acknowleging their guilt, and expressing deep contrition; when, as it appeared they had not been actuated by the selfish motives of private gain, they were again brought to the bar, and discharged, after receiving on their knees a severe reprimand from the speaker.

[6] Woodfall's Junius, vol. iii. page 16. Mr. Adolphus confesses 'that it is obvious there was a disposition in the ministry to gratify Sir James Lowther at the expense of the duke of Portland; and in that view the transaction was not honorable either to the ministry, or to the person preferred.' Sir James Lowther derived but little advantage from the delay obtained through the majority, as the grant was reversed by the court of exchequer, in November, 1771; the reserved rent, on which he obtained the lease from the crown, being less than one third of the clear annual value of the estate, contrary to a statute in the first year of queen Anne.

After passing the supplies and some private bills, the king put an end to the session: in his speech he thanked the parliament for their signal proofs of affectionate attachment to his person, family, and government; their faithful attention to the public service, and zeal for the preservation of our excellent constitution: nor did he forget to express confidence, that in the approaching elections, his people would give fresh proofs of their attachment to the true interests of their country, which he should receive as the most acceptable mark of their affection to himself. Two days afterwards, on the twelfth of March, the fiat of dissolution went forth, and an end was put to the first parliament of George III. With regard to its character, it cannot be said to have exhibited any remarkable traits of legislative wisdom, if we except the treaty of Paris in 1763: but this will not surprise us, when we consider the rapid changes of loosely-formed administrations, which during its continuance left England with little more than the name of a government: the principal objects that occupied its attention, were the prosecution of individuals, and the regulation of our transatlantic provinces: in the one case, passion seems to have predominated over cool policy; in the other, a succession of irritating and conciliating measures created in the colonists a permanent dissatisfaction and ill-will towards the parent state. But though the policy of this national assembly, in the aggregate, was either inefficient or hurtful, it exhibited many instances of individual talent; particularly among the peers, where a mature and well-sustained eloquence was conspicuous In the house of commons, its ablest orators had not yet reached that height of excellence, at which many of them were destined to arrive: after the fiery spirit of Charles Townshend was extinguished, few specimens of vivid eloquence were heard within its walls; for Burke had scarcely plumed the wing with which he afterwards soared so high above the crowd; and though the contest of the political arena was kept up with vigor and effect, few triumphs were won on the ground of that political wisdom, which, whilst it delights the present age, enlightens and instructs posterity.

In America, the new revenue act, imposing duties on various articles of merchandise, excited great resentment; and the obvious marks of weak and wavering policy in the British government encouraged resistance: the legality of such a measure had been conceded, when it was found necessary to oppose the obnoxious stamp act; but after this was repealed, the Americans would no longer acknowlege that distinction

between external and internal taxation, on which at first they grounded their claim for relief: their presses teemed with invectives against the British legislature, which was represented as pledged to reduce the colonies to an abject state of distress and slavery.

The province of Massachussetts-bay, which by its situation was most likely to suffer from an act affecting commerce, took the lead in opposing the measures of government. The first congress had done irreparable injury to British interests, by uniting the provinces in a common cause, and enabling the turbulent and rebellious to express their sentiments, and paralyse the exertions of timid and loyal subjects. The fierce republicans of New England soon engaged in such a system as impelled the other colonies again to join them in resisting the mother country. On the twenty-seventh of October, 1767, when intelligence of the new act arrived at Boston, the inhabitants assembled in their town-hall, and formed associations for encouraging home manufactures, discountenancing luxuries of every description, and discontinuing the importation of all articles from Great Britain, except such as were absolutely necessary. In the first session of their legislative assembly they took the most effectual means to make their opinions known in England, and draw the attention of other colonies to the subject. On the twelfth of January, 1768, the house sent a letter of instructions to Mr. De Berdt, their agent in London, containing an elaborate vindication of their rights, and discovering a familiar acquaintance with the principles of government, especially those of the British constitution: the whole argument against colonial taxation was therein clearly stated; the identity of object between the rescinded stamp act and Mr. Charles Townshend's new law, was forcibly laid down; and he was ordered to controvert the obnoxious measure on every ground of right and policy. This document adverted also to the appropriation of the revenue intended to be thus unconstitutionally raised: in the first place, it stated that a support for governors and judges, in those colonies where it should be thought necessary, was to be thence supplied: now it had long been a subject of apprehension with the assembly, that they should be deprived of all check on those public functionaries, by these latter being rendered independent of the people: 'this house,' it was observed, 'apprehends that it would be grievous, and of dangerous tendency, if the crown should not only appoint governors over the colonies, but allow them such stipends as it shall judge proper, at the

expense of the people, and without their control.' And although they could not have questioned the benefits of an independent judicial establishment, yet they remarked, 'that if the judges of England have independent salaries, it must be remembered, that the tenure of their commission is, during good behavior; which is a safeguard to the people.' In the next place, the revenue was to be 'applied by parliament from time to time in defending and securing the colonies;' in other words, appropriated to the support of a standing army, against which the following remonstrance was inserted: —'As Englishmen and British subjects, we have an aversion to an unnecessary standing army, which we look on as dangerous to our civil liberties: and considering the examples of ancient times, it seems a little surprising that a mother state should trust large bodies of mercenary troops in her colonies, at so great a distance from her; lest in process of time, when the spirits of the people shall be depressed by the military power, another Cæsar should arise, and usurp the authority of his master.'

The house likewise addressed a petition to the king; and sent letters, signed by their speaker, to the marquis of Rockingham, the earl of Chatham, lord Camden, and the commissioners of the treasury, containing a similar statement of their rights and grievances, and soliciting the assistance of those officers and noblemen in their application for relief. At home they attempted to re-organise the confederacy which had been adopted so successfully against the stamp act; and a circular letter was sent in the name of the house to the other provincial assemblies, informing them of the measures already taken: but being aware that considerable differences of opinion prevailed between some of the colonies and themselves, they cautiously endeavored to avoid all occasion of misunderstanding or jealousy; concluding their letter with an appeal to the generous and liberal spirit of the different legislatures; assuring them that the communication proceeded from no ambition of taking the lead or of dictating to others; and freely submitting their opinions and acts to the judgment of those whom they addressed. This show of candor and moderation had the effect of quieting suspicion, and making many of the assemblies firm adherents to their cause.

In the mean time a violent altercation took place between governor Bernard and the assembly, in consequence of a letter addressed to the former by lord Shelburne, which was read in the house, highly approving his conduct in refusing to nomi-

nate the members of council, and casting severe reproaches on the spirit shown by the legislature. Anxious to obtain this document, as a means of inflaming the public mind, the house, by publishing in the newspapers such passages as could be recollected, with severe comments on them, goaded the governor into a communication of the original, which was sent with a short indignant message, and entered on the journals: the assembly then wrote to lord Shelburne, animadverting on it, as well as on the proceedings of Sir Francis Bernard, with great asperity; and having displayed a strong disposition to encourage libels and inflammatory letters out of the house, the governor prorogued them, on the fourth of March, after severely reprobating their conduct, and vindicating his own character.

This fresh attempt of the assembly of Massachussetts to raise a confederacy against the authority of parliament excited strong indignation in the ministry. Lord Hillsborough, the new secretary of state, wrote to the governor, expressing high displeasure against those who had endeavored to revive the unhappy dissensions which had been so injurious to the interests of both countries: but to afford the assembly an opportunity of rescinding the vote which gave rise to their obnoxious circular, he chose to consider it as obtained by surprise, and contrary to the real sense of the majority: Sir Francis however was instructed, if they should obstinately decline to rescind their resolutions, to dissolve the assembly, and send an account of their proceedings, to be laid before parliament.

This requisition was communicated to the assembly, when they met on the thirty-first of May; and the house, after several attempts at evasion, replied at last, by justifying the spirit and language of their circular, and declaring, that, as it had been sent and answered by several of the provincial assemblies, the vote had been already executed, and could not be rescinded: 'but if,' said they, 'as is most probable, by the word 'rescinding' be intended the passing a vote of this house, in direct and express disapprobation of the measure, as 'illegal, inflammatory, and tending to provoke unjustifiable combination against his majesty's peace, crown, and dignity,' we must take the liberty to testify, and publicly to declare, that we consider it to be the native, inherent, and indefeasible right of the subject, jointly or severally, to petition the king for redress of grievances; provided always that the same be done in a decent, dutiful, and constitutional way, without tumult,

disorder, or confusion.' The conclusion of the determined and uncompromising answer was as follows:—

'We take this opportunity faithfully to represent to your excellency, that the new revenue acts and measures are not only disagreeable, but in every view are deemed an insupportable burden and grievance, with very few exceptions, by all the freeholders and other inhabitants of this jurisdiction: and we beg leave, once for all, to assure your excellency, that those of this opinion are no 'party or expiring faction:' they have at all times been ready to devote their time and fortunes to his majesty's service. Of loyalty, this majority could as reasonably boast as any who may happen to enjoy your excellency's smiles: their reputation, rank, and fortune are at least equal to those who may have sometimes been considered as the only friends to good government; while some, of the best blood in the colony, even in the two houses of assembly lawfully convened and duly acting, have been openly charged with the unpardonable crime of oppugnation against the royal authority. We have now only to inform your excellency, that this house has voted not to rescind, as required, the resolution of the last house; and that in a division on the question, there were ninety-two nays and seventeen yeas. In all this we have been actuated by a conscientious, and finally by a clear and determined sense of duty to God, to our king, our country, and our latest posterity; and we most ardently wish and humbly pray, that in your future conduct, your excellency may be influenced by the same principles.'[7]

On the first of July, the day after this message was sent, the governor dissolved the assembly, but not before they had written a letter of great length, and to the same import, which was sent to lord Hillsborough: the province was left for the remainder of the year without a legislature; but opposition was not likely to be checked by such a measure: indeed it went on quite as systematically, and probably with more spirit. Those among the people who were disposed to exhibit a licentious disposition, being now secure of impunity and support, laid no restraint on their conduct: even before the dissolution of the assembly, a serious disturbance had occurred at Boston, in consequence of the seizure of a sloop belonging to a merchant named John Hancock, which had landed its cargo in defiance of the regulations made by the commissioners

[7] Massachussetts State Papers, p. 150.

of customs. The populace, outrageous against the board, which had thrown great and almost insurmountable difficulties in the way of smuggling, assailed the collector and comptroller of the customs with sticks and stones, threatened the commissioners, and obliged them to seek refuge on board the Romney ship of war, then lying in the harbor; after which, they seized the collector's boat, and carrying it in triumph to Mr. Hancock's door, there burned it: the commissioners sought the protection of the governor, and were referred by him to the legislature; but being unable to obtain any advice or assistance from that body, they were obliged to secure themselves in a fortress called Castle William, at the entrance of the harbor. Town meetings were held on the affair, at which the minds of the people were excited by inflammatory speeches, and the greatest contempt for the mother country was inculcated; whilst the assembly beheld all these proceedings with outward indifference, but secret satisfaction; and took no measures for enforcing the governor's authority.

In this disturbed state of things, the report of two regiments being despatched from Ireland, and of the assembling of troops at Halifax, created a violent commotion: a meeting of the people was convened, and a committee appointed to wait on the governor, and request him to call an assembly without delay: to this he answered, 'that it was not in his power, since he had dissolved the late assembly by the king's command, to convene a new one without instructions; and the affair was under examination.'

This reply increased the resentment of the people, and gave occasion to the factious for exertion; in consequence of which a general convention of delegates from all the towns of the province[8] was summoned, and the Boston committee even proceeded so far as to recommend the inhabitants to provide themselves with arms and ammunition, under the pretext of a war with France being apprehended. The convention, which was attended by deputies from every town except Hatfield, met on the twenty-second of September, and sent a communication to the governor, disclaiming all intention of performing any act of government; being chosen, as they said, in dark and distressing times, to consult and advise measures for the peace and good order of his majesty's subjects in the province; and they prayed him to call together the legislative assembly. Sir Francis Bernard however refused to receive

[8] Ninety-six in number.

any communication from such a meeting, which would be an admission of its legality: but next day he sent them a letter, in which, proceeding on the supposition that they might have acted under the advice of persons ignorant of the criminality of such proceedings, he seriously admonished them of their irregularity, and assured them, from authority, that his majesty was determined to maintain his intire sovereignty over the province: another deputation sent officially by the convention having been refused admission to the governor, that body, apparently disconcerted by his firmness, merely appointed a committee of nine persons to consult on the best method of promoting peace and good order in the province; and having waited to receive its report, they drew up a petition to the king, which they enclosed in a letter to their colonial agent, and then broke up on the twenty-ninth of September. The same day two regiments and a detachment of artillery arrived from Halifax; and soon afterwards general Gage brought two more regiments from Ireland: some difficulties respecting their lodging were obviated by hiring houses, to which the denomination of barracks was given, to prevent the establishment of a precedent for quartering soldiers on private individuals: and thus for a season tranquillity was restored; the commissioners of customs resumed their functions, and business went on in its usual course.

New York, intimidated by the suspension of its legislature, had submitted to the terms required by the mutiny act, and its assembly was again permitted to meet: harmony seemed to be restored; and it was thought that confidence might have followed, but for the associations formed throughout the provinces in consequence of the proceedings of Massachussetts. These associations indeed stirred up and kept alive the flame of discord; but nothing could have extinguished it, except the recognition of American independence: it would have mouldered under its ashes, only to burst out with increased violence, when fanned by the breath of popular commotion; and this would have been excited whenever the British legislature had exercised any act towards the colonists interfering with those rights and privileges, of which they were becoming more sensitive in proportion as they were acquiring greater means of resistance.

CHAP. XI.

GEORGE III. (CONTINUED.)—1768.

Domestic troubles and commotions—Difficulties in arranging the government—Democratic spirit—Wilkes—His application to the duke of Grafton neglected—His return—Is a candidate to represent the city of London—Fails, and is returned for Middlesex—Popular triumph—Legal proceedings against him—Is committed to prison—Popular tumults—Wilkes's conduct in prison—New parliament opened by commission—Prorogued to November—Riot in St. George's fields—Unfortunate consequences of it—Treatment of the soldiers—Wilkes's outlawry reversed, but verdicts against him confirmed—Lord Mansfield's vindication of himself—Wilkes in the zenith of his fame—The king patronises science—Death of princess Louisa—Visit of the king of Denmark to England—Birth of princess Augusta, and city address—Death of the duke of Newcastle and of archbishop Secker—Epitome of continental policy—Affairs of Ireland—Dissensions in the cabinet, and resignation of lord Chatham—Letters of lord Weymouth and Wilkes—Meeting of parliament, and king's speech—Debates on the address, &c.—Wilkes's petition—Lord Weymouth's motion against him for libel—Expelled the house—Speeches by Mr. Burke and G. Grenville, &c.—New writ issued for Middlesex—Acts of the populace—New election—Wilkes and colonel Luttrell—The latter declared sitting member by the house of commons—Affairs of North America—Affairs of the East India company taken up by parliament—Arrears of the civil list—Prorogation of parliament—Conduct of the North American colonists—Discontents in England—Dr. Johnson and Junius—Addresses and counter-addresses, &c.—State of Ireland—Affairs of the East Indies and Hyder Ali—Alarm occasioned by them in England—Settlement between the company and the government.

WHILST America was in the agitated state which has been described in the last chapter, Great Britain was scarcely less disturbed by domestic troubles and commotions. Excellent as was the private character of George III., and ardent as were his wishes for the happiness of his people, his reign had hitherto brought tranquillity neither to himself nor to them: the scheme which he adopted, soon after his accession, of breaking the power of the whig aristocracy, and calling men of different parties to the service of the state, had encountered numerous obstacles, of which many were yet to be overcome.

The long-established supremacy of the great families had almost given them a prescriptive right to office in public opinion; and lord Bute, the first agent employed in dissolving that spell, attempted it without sufficient talent, and with too great precipitation: sudden and rapid change is not suited to the nature of long-established and extensive combinations. 'Our constitution,' as Burke observes, 'stands on a nice equipoise, with steep precipices and deep waters on all sides of it: in removing it from a dangerous leaning towards one side, there may be a risk of oversetting it on the other: every project of a material change in a government so complicated, combined at the same time with external circumstances still more complicated, is a matter full of difficulties.' And thus it was found in the present instance: the aristocratical phalanx, broken but not subdued, formed new parties, with new principles of action, tending to annoy the sovereign and impede his government. The more complying cabinets which he engaged in his service, being generally composed of discordant materials, were unable to withstand the shocks of their opponents, supported as these were by popular opinion, and by the great monied capitalists, who always attached themselves to the whigs. Thus different sections of that party forced themselves into office, and were again displaced, until the age became one of ministerial revolutions and cabinet abortions: even parliament itself began to lose its credit, passing acts one session which it repealed the next, and affirming principles which it was obliged to retract.

Lord Chatham was for a time looked to as a tower of strength; and he was called on more than once to rescue his sovereign from the distress of his situation: but his disposition, intractable at all times, had, by the united effects of opposition and ill health, become so irritable and imperious, that he was not content unless he could yoke the cabinet, the people, and the monarch to his car. Besides, though a new man, he had by his overpowering talent forced his way into the stronghold of privilege, and was therefore inclined to support the few that had the strongest claim to it: if he coalesced with others, he lost his influence, which was chiefly personal, and depended on popular opinion. Another cause, which not only paralysed ministerial exertions, but affected the character of the king himself, was the prevalent notion of that mysterious power behind the throne, which furnished a ready topic for invective to the ranks of opposition: nor must it be forgotten, that George III., with all his estimable qualities, held certain

opinions or prejudices, which rendered it difficult for him to form or to retain an administration; but which, being conscientiously entertained, were on that account not to be eradicated. At this period also a new and virulent source of evil arose, to harass the sovereign and distract his councils, in the encroaching spirit of the democracy. The disruption of the great aristocratical band caused the privileged orders to descend from their proud eminence, and court the favor of those classes on whom they had hitherto looked with a sort of hereditary scorn: the great increase also of wealth, flowing from sources which were developed as the pressure of war was removed, brought its usual evils in luxury and relaxation of morals: as the population grew rich, it became restless, jealous, and insubordinate: the wealthy upstart desired the abolition of those distinctions which separated him from the high-born aristocrat; whilst the recklessness of the ruined profligate excited him to repair his fortunes by the feigned assumption of patriotic principles. Besides, the rapid succession of ministerial changes, together with constant accusations of abject compliance and political treachery, taught the people to look with diminished respect on their rulers: in fact, they began to neglect the affairs of domestic life for the formation of political associations; attempting to take the concerns of government into their own hands, and exalting the legislation of a tavern to an equality with that of a cabinet. Thus was the democratic spirit unchained and let loose on society: and as if an impersonation of this spirit was required to give it greater effect, Wilkes, who had fled into France from the arm of the law, now returned to brave its terrors; and by exaggerating every pressure, inflaming every discontent, and giving a shape to every imaginary evil, he soon became the idol of that mob, which requires its champion to be at once subtle, bold, and unprincipled: by its aid he was enabled to insult his sovereign and to trample on the legislature with impunity: whoever engaged in contest with him was ultimately defeated; and if out of so evil a source some good eventually arose; if by his agency some constitutional questions of great importance were determined; this is due more to the excellent principles on which our constitution is based, than to the wisdom and discretion of those who were entrusted with its administration.

When the Rockingham ministry came into power in 1766, this demagogue repaired to London; but failing in his

overtures to that party,[9] though his distresses were relieved by a private subscription among its principal members, he returned again to France. Soon afterwards lord Chatham's administration was formed; when Wilkes, who had formerly been on terms of intimacy with the duke of Grafton, wrote in a style the most earnest and abject to that nobleman; congratulating the country, as well as his grace, on his promotion; entreating him to mediate a pardon for him with the king; professing the utmost duty and allegiance to his majesty; and appealing to that zeal in the sacred cause of liberty which warmed his own heart, and which, he observed, ought ever to meet with a favorable reception from the duke of Grafton.

This application was treated with neglect and disdain: so that Wilkes, in retirement, reflecting on his repeated mortifications and the disappointment of his arrogant pretensions, was inflamed to that degree of virulence, which excited him to brave every danger, and defy every appearance of decorum, in order to make his enemies feel the effect of his resentment. Though he had quitted England under circumstances disgraceful to his character, and dangerous to his personal liberty, yet he now returned from France, and boldly presented himself at Guildhall, as a candidate to represent the metropolitan city in parliament. Being a known enemy to the court, he was received with rapturous applause by the populace; but he failed of success, principally through the exertions of Harley, the lord mayor, who had been sheriff of London when the North Briton was burned. At this period the conduct of the ministry was timid and pusillanimous: since the duke of Grafton had disdainfully rejected Wilkes's application for pardon, the grant of which would have detached him from the mob and consigned him to insignificance, the writ of outlawry ought immediately to have been put in force against him before he had time to light up the flames of discord. Wilkes himself, knowing his liability to this process, very craftily prevented it, by writing to the solicitor and deputy-solicitor of the treasury, pledging his honor that he would appear personally in the court of king's bench on the first day of the ensuing term: having thus gained time, he declared himself, after his defeat in the city, a candidate for the county of Middlesex, where he

[9] The impudence of the terms proposed almost exceeds belief: they were a reversal of his outlawry; a general pardon; £5000 in cash; and a large pension on the Irish establishment!

rose at once on the waves of popularity, and was returned by a very large majority. Such was the joy of the people at his success, that they paraded the streets of the metropolis in large bodies, compelled the citizens to illuminate their houses, broke the windows of lord Bute's residence, and grossly insulted the chief magistrate by an attack on the Mansion-house. The administration, however, which was so inert when Wilkes made his first appearance, now began to act with vigor, when this alone was wanting to increase the popular fury, and drive faction to its highest pitch of insolence.

As the law, though tardily, was about to lay its grasp on the demagogue, he prudently surrendered himself, on the first day of Easter term, to the jurisdiction of the king's bench; but under pretence of submission to the laws of his country, he took that opportunity of making a violent speech against the 'cruelties of ministerial vengeance,' and to charge lord chief justice Mansfield with causing the records to be altered; without which, he averred, the two verdicts could not have been found against him. As he was not brought legally before the court, no proceedings could be then had on his case; but lord Mansfield took that opportunity of vindicating himself against the charge of altering the records:[10] the slight amendment made therein he thought it his duty to allow; nor could he have refused it without opposing the uniform practice of all the judges: yet this charge, consistent both with law and usage, was represented as an iniquitous measure, flowing from the arbitrary principles and designs of the chief justice, as a Scotchman, and a friend of lord Bute: an alarm was spread of the constitution being wounded through this worthless individual; and many, who would have shrunk from contact with the man, now espoused his cause under the specious pretence of defending the liberty of the subject.

On leaving the court, Wilkes was received by the surrounding multitude with loud acclamations; but such precautions had been taken, by the magistrates of Westminster and of the city, to intimidate the disorderly, that no farther disturbances occurred: a few days afterwards having been brought into court in a legal manner, his counsel moved that

[10] It had been a common practice with the judges, at the request of the prosecutor, to amend informations, in order to make them more clear and precise. At the instance of the solicitor of the treasury, lord Mansfield had allowed the word *purport* in the information against Wilkes to be erased, and the word *tenor* to be substituted.

he might be admitted to bail; but the judges were of opinion that no person was bailable after conviction, and therefore ordered him at once to be committed to prison. The populace however, being determined to reverse this decree, stopped the coach in which he was conveyed, on Westminster-bridge, took off the horses, and dragged it in triumph through the city to a tavern in Spitalfields, where they kept him till night: he took an opportunity however, at a late hour, to withdraw privately, and surrender himself to the marshal of the king's bench. Next day the people collected in great crowds round the prison; and pulling up the outward fence, made a bonfire with it on the spot: at night they compelled the inhabitants to illuminate their houses, but were at length dispersed by a detachment of the guards. From this period the metropolis was long kept in a state of riot and confusion; but government was sufficiently alarmed to provide means for immediate security. Wilkes himself, though imprisoned, was not inactive in feeding the flame which he had kindled: his address to the freeholders of Middlesex, published two days before a hearing was to come on at Westminster-hall concerning the errors of his outlawry, and five before the meeting of parliament, is a curious specimen of the incendiary style: in it he descants on his own innocence and sufferings; on the happy fruits which his countrymen were reaping from his labors and persecutions; and on the still greater services he should render them if released from confinement: he then rings all the changes on love of England, liberty, arbitrary power, star-chamber inquisition, and every other delusive term, with which he boasted that he could 'halloo the rabble, like so many bull-dogs,' to any purpose, however desperate.

On the tenth of May the new parliament was opened by commission, and Sir John Cust re-elected speaker of the house of commons. The only business transacted was a renewal of the acts against the exportation of grain; but the commons passed a vote of thanks to the lord mayor, for his vigilant and active conduct in support of the laws and preservation of the public peace during the late disturbances: a motion was also made to obtain information why the law was not enforced against John Wilkes immediately on his return to England, but the house was not disposed to take cognisance of this matter: it was then prorogued till November, and ministers had leisure to consider what specific measures prudence dictated, after the many errors that had been committed. As it was expected that Wilkes would attend in the house by virtue of his privilege, an

immense multitude assembled in St. George's fields for the purpose of escorting him: but when he did not appear, they demanded him with loud outcries, and other indications of violence; some county magistrates, attempting to read the riot act, being assailed with stones and bricks. Great pains were taken to make the people disperse, but all in vain: the tumult increased, and the rabble assailed, not only the magistrates, but the military who had been called out to guard them: at length, self-defence, as well as public duty, compelled the soldiers to fire; four or five persons were killed, and about double that number wounded: among the former, was unfortunately a youth, of the name of Allen, who had taken no part in the affray, but fell a victim to his indiscreet curiosity: being mistaken for one of the rioters, he was pursued by a soldier, and shot in a hovel or cow-house, belonging to his father, whither he had run for refuge, and while he was in the act of protesting his innocence. This unhappy occurrence was heightened by the popular party with all the coloring that pity and resentment could assume, in order to inflame the public mind: the circumstances which preceded and followed it were grossly misrepresented: assertions were boldly made, that the justices alone had caused the tumult, by reading the riot-act; and that the military had been stationed and prepared for the very purpose of doing execution on the people. The prosecution of a soldier, named Donald Maclean, for the murder of Allen, was said to have been defeated by the disingenuous arts of the government;[1]

[1] The following may be considered as a true account of this so much misrepresented affair:—"These riots began in March, on the twenty-ninth of which month, lord Weymouth, then secretary of state, signified the king's pleasure, that the troops within call should be in readiness to assist the civil magistrate on his application: on the twenty-seventh of April, lord Barrington ordered the horse and foot guards to give their assistance when required; and on the twenty-ninth, the magistrates applied to him for cavalry, to be quartered in the Borough, on account of the violences committed the preceding day. This he declined doing. The riots continuing, on the sixth of May, lord Weymouth ordered 100 men to be sent to the king's bench prison: this was done the following day; and the guard was ordered to be relieved, whenever, on consultation with the justices, it should be deemed necessary. On the ninth, the magistrates sent for a detachment of the horse guards, and had them. On the tenth of May, Allen was killed by a soldier employed by order of the justices to seize a rioter. Ensign Murray, of the third regiment of guards, hearing the report of a gun, ran up, and inquired how it came to be fired without his orders: the soldier answered

and a letter from the secretary at war, thanking the guards for their zeal and good conduct under such trying circumstances, was represented as an encouragement to the shedding of blood: the fact is, that considerable effect had been produced on the minds of the soldiers by late events; and various attempts had been made to seduce them from their allegiance. The guards, both horse and foot, had been employed for some time in keeping the peace, much to their own disquiet: eighteen of them had been wounded, and some severely; they had long known that disobedience of orders subjected them to the extremity of martial law; and they now discovered that obedience did not exempt them from the ignominy of a criminal trial: under these circumstances, it became doubtful how they would act; when the slightest hesitation might have the effect of surrendering the metropolis into the hands of a lawless mob. Nothing could exceed the frenzy of the populace at this time, who assailed the Mansion-house so frequently, as to render a constant guard of soldiers necessary to defend it; and who stuck up treasonable placards on the very walls of the palace: the sailors also had lately been petitioning for an increase of pay; and these kept themselves together in a body forcing the crews of trading ships in the river to join them moreover, the glass-grinders, journeyman-tailors, coal-heavers and other classes, assembled in vast numbers, ready, as it were, to unite with Wilkes's mob, and restrained only by fear of the soldiery: in short, the arm of civil authority appeared too weak to curb the headstrong passions of the people, and to prevent the dissolution of social order.

Whilst lord Barrington was considering what was best to be done in this critical and embarrassing situation, he received a visit from two of the most active justices, requesting a detachment of guards to defend the house of Mr. Gillam, one of the Surrey magistrates, from a violent mob, highly exasperated by

that his piece went off at half-cock, without intention. This man and two others were apprehended, but discharged next day, no one appearing against him: but evidence was produced against the other two; of whom one was bailed, while the other continued in prison, till he was tried and acquitted at the assizes. The man who really did the act, immediately after his discharge, went to the parade, and told his comrades, it was very unjust that any body should be in prison for what he had done, though without intention: but soon after, being sensible of the danger to himself from this declaration, he went off, and was not afterwards heard of.'—Lord Barrington's Political Life, p. 120—125.

the spirited opposition he had given to their proceedings: in the course of conversation these gentlemen mentioned the admirable conduct of the soldiers who had been placed under their orders; and this gave birth to an idea that a letter addressed to the guards, commending their good behavior, and promising them protection while they continued it, might please and encourage them: his lordship, having consulted some intelligent officers on the subject, whose opinion coincided with his own, proposed the matter to the king, and with his approbation wrote the letter in question: nor did his attention to the military, who so well deserved it, end here: he ordered those who were under prosecution, with ensign Murray, to be defended by the crown lawyers, and the soldier in prison to be maintained at the public cost: after the acquittal of this man, thirty guineas were given to him on parade by his captain, who thus addressed him:—

'I have received his majesty's orders, through the secretary at war, to give you thirty guineas, for your having suffered so much, and been so long imprisoned on a false accusation: at the same time, I must tell you, that had you done any thing contrary to the laws, he would have been equally ready to have brought you to justice, as he is now graciously pleased to give you this, in compensation for what you have wrongfully suffered.'

Ten guineas were also given to the soldier who had been admitted to bail; and two guineas to each of those, who, during their attendance on the magistrates, had been wounded by the mob.[12]

On the eighth of June, Wilkes's case was again argued in the court of king's bench; when the outlawry against him was reversed, on account of some irregularity of proceedings in it: the verdicts however on his former trials, for publishing the North Briton and the Essay on Woman, were confirmed;

[12] As this proper and meritorious conduct of lord Barrington has been made a subject of the most virulent calumny, it has been thought proper to give this detail of the particulars:—'On the day for the supplies of the army in the next session of parliament lord Barrington was warmly attacked on this subject: he acknowleged and justified the fact. Soon after, a motion was made for a committee of inquiry, which his lordship did not decline; but it was not agreed to by the house: the minority was only 39 to 245. Next year, on a similar motion, it was only 53. This showed the sense even of opposition on the subject: they had on other subjects divided more than 130 in each session.'—Lord Barrington's Political Life, p. 128.

all the arguments used by the prisoner's counsel in arrest of judgment being considered frivolous and inconclusive;[13] he was accordingly condemned to pay two fines of £500; to be imprisoned for two years, computed from the time of his arrest; and to find two sureties in £500 each for his good behavior during seven years. An unfavorable decision of the case having been expected, chief justice Mansfield was threatened by anonymous letters, and attacked with every species of insult and intimidation: in delivering the judgment of his court, he alluded in a most impressive speech to these unworthy proceedings; declaring 'that the last event which can happen to a man never comes too soon, if he falls in support of the law and liberty of his country; for liberty is synonymous with law and government: as for himself, the temper of his mind, and the color and conduct of his life, had given him a suit of armor against these arrows.' Nor was the eulogy pronounced by this illustrious judge on his own character undeserved. Lord Mansfield, though he supported the administration, was never subservient to a minister; least of all was he capable of turning aside the course of justice to advance the interests of a party: his decisions are considered to have been founded on very enlarged views of jurisprudence, and to form an admirable code on some of its most important branches; equally liberal and just; happily blending the venerable doctrines of the old law with the learning and refinement of modern times; and admirably suited to the genius and circumstances of the age in which he lived: his mind was gifted with high natural endowments, and instructed in every species of learning that can serve for use or ornament. In the contests of parliament he was considered the antagonist of Chatham; and on several occasions plucked the laurel from his brow, even where popular feeling was on the side of the latter: these talents, added to his private virtues and personal integrity, placed him in the foremost rank among the great men of his time.

The sentence passed against Wilkes afforded him a new subject for declamation on the harshness, cruelty, and illegalities of the whole case: he returned indeed to his prison; but while there, he was in the zenith of his fame. Subscriptions were opened to pay off his debts; valuable presents were

[13] These turned on the alleged impropriety of the informations being filed by the solicitor-general, and the alteration of the record at lord Mansfield's chambers.

conferred on him; and his likenesses were so multiplied, that his face squinted at the passenger from almost half the sign-boards of the kingdom: he used to relate with great jocularity, that one day, an old lady, behind whom he happened to be walking, exclaimed with much spleen and bitterness, as she looked up to one of these public-house portraits,—'Ah! he swings every where, but where he ought.'

In the midst of all these public disturbances, the king preserved his equanimity, and occupied himself most advantageously for the encouragement of arts and science: during this year he employed Sir William Chambers in building the observatory at Richmond, which he furnished with a complete philosophical apparatus: the Royal Academy was also established under his majesty's immediate patronage, Sir Joshua Reynolds being appointed its first president, and receiving the honor of knighthood on the occasion. In July, captain Cook sailed, under the same patronage, on his first voyage, to make observations, in a southern latitude, on the transit of Venus over the sun, and to explore the Pacific ocean: he was accompanied by the late Sir Joseph Banks, Dr. Solander a scientific Swede, and Mr. Charles Green, the colleague of Dr. Bradley, astronomer royal; and the honor of first planning an expedition for the joint purposes of promoting discovery and advancing science, is strictly due to George III.

In the month of May, his majesty lost his second sister, the princess Louisa; and during the summer, the king of Denmark paid a visit to this country, where he was received and treated with a splendid hospitality due to his exalted station, though scarcely merited by his personal character.[14] The princess Augusta's birth, on the eighth of November, gave the corporation of London an opportunity of approaching his majesty, which they did with more propriety than on some previous occasions: steering clear of political animadversions, they confined themselves to congratulations on the happy event, and expressions of becoming loyalty, which the king acknowleged with marked satisfaction.

Toward the close of the year, died, at a very advanced age, and at the lowest ebb of political importance, Thomas Holles,

[14] The king and princess dowager, informed of the illiberal and unmerited treatment of his amiable consort, and despising the Danish monarch for his tame submission and pusillanimity, received him with considerable coldness and reserve; though they intimated a wish that the nobility and public bodies should contribute all in their power to his gratification and amusement.

duke of Newcastle, who for more than fifty years had occupied the highest offices and honors in the state. He was succeeded as chancellor of the university of Cambridge by the duke of Grafton, whose installation took place in July following; so that the same year saw him celebrated by the greatest lyric poet, and cauterised by the severest satirist that England has produced. Nearly at this time also died Dr. Secker, archbishop of Canterbury, a prelate of exemplary life, though not of commanding talents. Having communicated some observations to Warburton on his great work, bishop Hurd remarked, 'that he was a wise man, an edifying preacher, and an exemplary bishop; but the course of his life and studies had not qualified him to decide on such a work as the Divine Legation.' Being the son of a dissenter, he maintained a friendly intercourse with some eminent sectarians, as Watts, Doddridge, and others; considering them but temporary separatists from the church, whom conciliation might perhaps restore to her bosom. He had an ardent desire to establish episcopacy in America; and if too great a fear had not prevailed among the colonists, that the new bishops might be invested with temporal honors and jurisdiction, the plan would probably not have been opposed.

On the continent, the changes which various potentates were making in ecclesiastical government occasioned much anxiety to the see of Rome. The king of Spain, having banished the Jesuits, now began to circumscribe the power of the clergy, especially of that iniquitous tribunal, the inquisition: he also reformed the universities, transferred the jurisdiction of the press from ecclesiastical to civil authorities, prohibited appeals to the pope except in extraordinary cases, and permitted no order from the court of Rome to be put in execution unless sanctioned by his majesty in council. The king of Naples was engaged in similar reforms; and the grand duke of Parma, whose dominions were subjected to more exorbitant claims of papal authority than those of any other prince, resolved also to follow this example of sound policy: he accordingly prohibited appeals to his holiness, reduced the power and immunities of the church, and ordained that no benefices should be held in dependence on a foreign priest. The pope issued, as usual, decrees and bulls; but found, to his surprise, that they had lost their efficacy. Other popish states seconded the efforts of the Bourbon princes in this important amelioration of their realms.

With regard to continental politics, the principal interest lay in the north. The wretched country of Poland had long been

the scene of a contention very singular in its causes and pretexts: spiritual tyranny first kindled the flame, and civil discord supplied it with fuel. The empress Catharine and Frederic the Great had formed very ambitious views; and they eagerly seized on the cause of the Polish dissidents as affording a pretext for interference: similarity in religious faith had induced Maria Theresa to patronise the catholics of that country; and France, though little influenced by religious motives, was prompted by policy to oppose the combined operations of Russia and Prussia. The empress-queen had prepared a force to assist the catholic party; but Frederic notified to her imperial majesty, that the entrance of her troops into that country would be followed by his invasion of Bohemia; and this threat had the effect desired. The influence of the protestant courts, and especially the menaces of the Russian army, obtained an edict to confirm the privileges of the dissidents.

The French, though they did not engage in direct hostilities with Catharine, exerted their intriguing policy to involve her in dissensions: they encouraged the Poles to form a new confederacy; they caballed at Stockholm to alter the government, in order to give absolute power to the king, who was under their influence; whilst their agents at Constantinople strongly excited the jealousy of the grand signor against the czarina. A confederacy of Polish catholics, formed during the summer, annulled the late laws, and adopted resolutions to oppose Catharine's designs, and dethrone Stanislaus; but the Russian troops defeated the army of these associates, pursued them to the eastern frontier, and burned the Turkish town of Balta, in which they had taken refuge. Already predisposed by French diplomacy to quarrel with Russia, the Turks denounced this as an act of direct hostility; sent the Russian ambassador to the castle of the Seven Towers; and in the beginning of October declared war against the empress.

An important bill which affected the Irish parliament, recalls our attention to the affairs of that part of the empire. The members of this assembly, which had been summoned by the present king, exhibited a strong attachment to their new sovereign: at the commencement of the war with Spain they passed a vote of credit for £500,000, and granted supplies for an addition to the troops: they also requested by an address to his majesty that the salary of their chief governor might be augmented to £16,000: even after the termination of the war, they assented to an increase of the public expenditure. Many however of their own body reaped the advantage of this

measure; for a new mode was now adopted to secure a majority in parliament, by distributing places and pensions among members and their friends. Already the annual amount of pensions had risen to £80,000: but an expenditure so great, for such a purpose, became a fertile source of declamatory invective to the patriots,[15] whose chief object was to bring about a change in the political constitution; and a great obstacle to their designs was removed by the death of primate Stone, the zealous supporter of English interests, which took place in 1764.

Such was the intention of the patriots: but the English administration also had a plan of its own, which it was equally anxious to see effected; viz. to establish the influence of government independently of the undertakers, who, for their management of parliament, claimed a right to give away all places, pensions, and preferments according to their pleasure. This had been attempted by the duke of Bedford, who was nominated to the vice-regal office in 1757: but the effort was only transient; and after a short struggle, his grace was obliged to submit, like his predecessors, to the bondage of the undertakers. In the year 1766, the earl of Bristol was appointed lord-lieutenant, avowedly for the purpose of breaking up the system; but the parliamentary leaders mustered all their forces, and displayed so determined a resolution to embarrass his government, that he also shrunk from the enterprise.

As a majority of the lords-justices were selected from the undertakers, and as it was usual for the chief governor to reside in the country only six months in two years, it could not be supposed that he would be sufficiently acquainted with parties to manage them with effect: it was therefore determined that in future he should reside constantly in Dublin, in order to qualify himself for business; so that he might recover the patronage of which he had been so long deprived: for this purpose, lord Townshend, a nobleman of great convivial talents, and therefore pleasing to the Irish, was appointed lord-lieutenant in 1767: his instructions were, not to establish a popular interest on the ruin of the oligarchy, but to render this latter subservient to the influence of the British government: the result however was not such as had been expected: the

[15] At the head of these was the celebrated Dr. Lucas, who had returned from a voluntary exile, and was elected one of the members for Dublin.

Irish oligarchy was indeed reduced; but instead of an English ascendency being created on its ruin, a way was undesignedly opened to those political laborers, who effected for their country an independent constitution.

In the hope of conciliating public favor, lord Townshend intimated, soon after his arrival, that he had been authorised to propose a measure, which would be most beneficial and acceptable to the public: it was conjectured that a limitation to the duration of parliaments was the benefit proposed, to effect which the patriots had often attempted in vain; but it turned out to be a bill for securing the independence of the judges: the former measure however was proposed by Henry Flood; and by a singular combination of circumstances became a law, whilst the proffered boon of government was rejected. An alteration had been introduced into the bill respecting the judges, when transmitted to England, which, though acknowleged to be beneficial, occasioned its rejection on a constitutional principle: the other bill also, for limiting the duration of parliaments, had been altered, eight being substituted for seven years; but this was a measure not to be sacrificed to punctilio: the objection therefore was overlooked; and the bill was carried through both houses by a tide of popularity, which seems to have forced it on all parties concerned in the enactment. The parliamentary leaders hoped that it would be suppressed by the privy council, to which it was necessarily sent for transmission to England; the privy council, jealous of the popularity of parliament, and fearing to increase it, trusted to the British cabinet for rejecting the bill; whilst the cabinet relied on the above-mentioned alteration for operating on the constitutional jealousy of the Irish parliament.

In consequence of this bill the present parliament was dissolved, and a new one called, to meet in sixteen months; this unusual time being allowed, in order that the viceroy might have leisure to effect the purpose for which he was sent: but he found it very difficult to detach the subalterns from their leaders, under whom they had acted so long: his success indeed was considerable, but the expense enormous. Besides, whilst he sought to aggrandise the crown, he was removing out of the way of freedom those powerful combinations which had so long obstructed its march. Being the first lord-lieutenant constantly resident in Ireland, he was able to make such official arrangements as he wished, and to watch every opportunity for detaching adherents from the great parlia-

mentary leaders; so that at last he succeeded in leaving those men in an unsuccessful opposition, who had subjected his predecessors to the hard conditions of their support. In the year 1769, the great undertakers, lord Shannon and Mr. Ponsonby, were dismissed from their employments, on account of their successful opposition to a money-bill; which, because it originated in the Irish privy-council, was, after its return from England, rejected by the commons: on this occasion the patriots were joined by some placemen and pensioners, who had previously bargained for the liberty of opposing the court, if occasions of great importance should arise. The viceroy, incensed at his defeat, attempted to enter his protest on the journals of the commons, but without success: the lords he found more compliant. In another question concerning privileges he was defeated by the commons, which caused him to prorogue the parliament, after a session of only two months, leaving much important business unsettled.

A space of fourteen months now intervened before the next meeting in February, 1771; but of this intermediate time he had taken due advantage, and secured a majority on the court side. The commons passed an address to the king, expressing their humble thanks to his majesty for continuing lord Townshend in the government of Ireland; but the speaker, Mr. Ponsonby, rather than convey such a message, resigned his place. In this and the following session the patriots made several attempts to resist the torrent, but were borne down by the force of numbers; and in the midst of their struggles they were deprived in 1771 of their incorruptible leader, Dr. Lucas. In the next year lord Townshend resigned his government, after having succeeded in establishing a preponderancy of English interest by a profuse expenditure; for it was in fact a contest of venality: he told the parliament in his last speech, that 'he had endeavored on every occasion to promote the public welfare, and expressed his acknowlegements for the very honorable manner in which they had declared their approbation of his conduct.' According to the account of those whom lord Townshend drove into opposition, he was an intemperate buffoon, debasing private manners, and destroying public principle: by those whom he attached to his interest, he was looked on as a delightful companion, convivial, humorous, and agreeable; and his birthday continued for a long time to be celebrated by them with an affectionate recollection: but though his habits and intimacies may have conciliated the attachment

of individuals, it is generally confessed that they were not such as invested with becoming dignity the representative of majesty.

During his administration an extensive insurrection took place in the province of Ulster. On the expiration of the leases of an estate belonging to the marquis of Donegal, who was then an absentee, large fines, with high fees to the agent, were demanded for their renewal; and as numbers of the tenants were unable to comply with these terms, their lands were let to others, who, in return for the exactions to which they had been subjected, demanded such rents as the old occupiers could not pay; and these were of course dispossessed of their lands: being thus deprived of the means of subsistence, and rendered desperate, they rose up by night to seek for redress; maimed the cattle of those who occupied their farms; committed various other outrages; and, to show their firmness of resolution, took the name of Hearts of Steel. One of their party being captured, and confined in Belfast on a charge of felony, they marched to his rescue, having been joined by thousands of the peasantry; and the prisoner, to prevent the effusion of blood, was delivered into their hands: such compliance gave them confidence; and vast numbers of the people in the neighboring counties caught their spirit and assumed their title: they administered oaths, seized arms, and became general reformers; but were guilty of great excesses, and violent acts of inhumanity: some were taken and tried at Carrickfergus, but acquitted by the partiality or terror of the witnesses and jury. The legislature then interfered, and by an act of parliament sent the culprits to be tried at a distance from the place where they had committed their excesses: some were carried to Dublin, and put on their trial there; but so strong were the prejudices entertained against this law, that no jury of that city would find them guilty. The obnoxious act was soon after repealed; and the conduct of the insurgents becoming better appreciated, some of them were tried in their respective counties, where they were condemned and executed. By such examples and the exertions of the military, this insurrection was at last subdued; but the general discontent was so great, that in a very short time many thousands of protestants emigrated to America, carrying with them a spirit of vengeance against the British government which was sensibly felt in the approaching contest.

It could hardly be expected that a ministry so heterogeneous in its composition as that which now administered the affairs

of Great Britain, should act with perfect union in the momentous concerns which were brought under their notice: considerable differences were known to exist among them; and these were made public in October, when lord Shelburne resigned his post of secretary for the southern department, in which he was succeeded by lord Weymouth from the northern, to whom the earl of Rochford was appointed successor. Lord Chatham, the founder of the ministry, saw with dissatisfaction many acts of his colleagues: he was displeased with their conduct regarding America, and was indignant at the tranquillity with which they had suffered the French to possess themselves of Corsica: broken down by ill health, and annoyed at having his name connected with men and measures so generally unpopular, he determined to withdraw his name from the administration: either from ill health or ill humor, he would not attend at court to announce his resignation; but sent the privy-seal by lord Camden.

During the recess of parliament, and while ministers probably were in suspense regarding the proper course to be adopted in the disturbed state of the nation, a trivial event turned the scale in favor of what were called determined measures: in these a violent spirit of resentment predominated, which came with bad effect after the laxity that had permitted Wilkes to establish his popularity; and which, by placing the sovereign in direct opposition to a large portion of his subjects, exposed the kingdom to the mischiefs necessarily arising from such a contest. A letter from lord Weymouth, secretary of state, had been sent to the bench of magistrates for the county of Surrey, expressing approbation of their conduct, and recommending them no longer to allow tumults to arrive at so dangerous a height whilst they had the power of calling in military aid to assist the civil authority. This document having fallen into the hands of Wilkes, he published it, with a daring and inflammatory preface, in which he called the affair in St. George's fields 'a horrid massacre, and the consequence of a hellish project deliberately planned.' In fact, he had now set his fortune on the cast of a die, for the chance of popularity: the only way of playing the game was to inflame the passions of the people to the utmost; and the determination taken by ministers aided him in his ambitious projects.

When parliament met on the eighth of November, the king's speech strongly recommended a renewal of its deliberations on our great commercial interests. His majesty regretted that the general tranquillity of the continental powers was endangered,

but declared that no pacific assurances should divert his attention from the interests of Europe: he alluded in feeling terms to the state of our American colonies, and especially to the proceedings at Boston, which were stated as subversive of the constitution, and manifesting a disposition to throw off all dependence on the mother country: at the same time, he declared, that, 'with their concurrence and support, he should be able to defeat the mischievous designs of those turbulent and seditious persons, who under false pretences had but too successfully deluded numbers of his American subjects; and whose practices, if suffered to prevail, could not fail to produce the most fatal consequences to his colonies immediately, and in the end to all his dominions.' His majesty then expressed his confidence in the affectionate loyalty of his new parliament, and his satisfaction at the providential relief of his poorer subjects by the late plentiful harvest: and having pointed out the propriety of adopting the best precautions of human wisdom against a recurrence of the miseries they had experienced, he concluded with warmly recommending to them harmony in all their deliberations, and a readiness to unite in measures which immediately concerned the interests of their country.

But notwithstanding this earnest recommendation of concord from the throne, the spirit of opposition manifested itself strongly in the very first debate on the address. Ministers were charged not only with gross inattention to our commercial interests and foreign relations, but with having taken such steps regarding America, as seemed deliberately formed for the purpose of exciting rebellion; whilst the balance of power was represented as endangered not more by the increasing influence of the family compact, than by the feeble and distracted state of our own cabinet.

The first particular subject which occupied the deliberation of parliament was that of corn. To prevent, if possible, the recurrence of scarcity, a bill was prepared for enlarging the prohibition against exportation, and for preventing distillation from wheat; an act far too trifling in its object and operation, when agriculture ought to have been restored to its proper weight in the scale of political economy, and the cultivation as well as the enclosure of land diligently attended to: all measures however of this kind seemed to be put out of consideration by the approaching strife of civil discord. The great agitator of the day was determined not to let the zeal of his supporters cool, being well aware that whoever proposes to

himself popularity as an object, must keep himself prominently before the public. In pursuance of this design, Wilkes deemed it expedient to present a petition to the house of commons, recapitulating all his grievances since his arrest in 1763: but the only new matter introduced was an allegation that lord Mansfield had tyrannically and illegally altered the record; and an accusation against Mr. Webb, late secretary to the treasury, of having bribed the petitioner's servant with the public money, to steal a copy of the Essay on Woman, which had formed one of the grounds of accusation against him. At the time appointed for considering his petition, which, owing to the great press of business, could not take place before the twenty-seventh of January, Mr. Wilkes was brought before the house in custody; but he objected, that by act of parliament he could not legally appear there without taking the oaths as a member: this however was overruled. The evidence in support of his petition substantiated only the isolated fact, that lord Mansfield had made an alteration in the record: but it was clearly determined that this was in accordance with ancient custom, and had been sanctioned by the approving voice of all the judges. As the charge also against Mr. Webb was not proved, a vote of severe censure against the petition was moved, but afterwards modified into a declaration, 'that the aspersions contained in it were frivolous.'

After this, a complaint was made in the upper house by lord Weymouth, regarding a breach of privilege in the remarks on his official letter; and the printer of the newspaper acknowleging that he had received the communication from Mr. Wilkes, a conference of the lords and commons took place. Wilkes, at the bar of the lower house, exultingly avowed the publication, and claimed the thanks of his country for having exposed in a proper light 'that bloody scroll.' A motion was immediately made by lord Barrington, that the author of so false, scandalous, and seditious a libel, should be expelled the house.

In supporting this motion, ministers and their adherents spoke and acted rather as violent partisans, actuated by a determination to carry a measure, than as fair and impartial judges. The charge brought against their adversary was accumulative and indefinite, containing a recital of all his former offences, and expatiating on all the topics that could affect his character: their opponents contended that the libel on lord Weymouth formed the only specific ground of the motion;

that his privileges as a peer were not cognisable by the commons; and that for any offence against him as a British subject there was a remedy in the courts of law: for the other libels Mr. Wilkes had been expelled; and the house had already punished him for an attack on the legislature. Should he be twice chastised for the same offence? and should the house not only mingle new crimes with old, but blend the judicial and executive powers of the state with the legislative, extending its own authority for the purpose of trying and summarily punishing an offence which does not belong to its jurisdiction? Is it right to transfer the censures of a former parliament into the hands of the present, and make them the foundation of a new punishment? Is it proper for parliament to assume a power of determining the rights of the people and their representatives, by no other rule but its own discretion or caprice?[16] The principal speakers in opposition to the motion were Mr. Burke and Mr. G. Grenville; the former of whom, in his animated and declamatory style, poured forth a torrent of invective against the folly and wickedness of ministers; enlarging on the abuse and ill consequences of that discretionary power which the commons appeared anxious to obtain, and calling the proposed vote of expulsion 'the fifth act of a tragi-comedy, performed by his majesty's servants, at the desire of several persons of quality, for the benefit of Mr. Wilkes, and at the expense of the constitution.' Mr. Grenville, in a more plain, argumentative, and convincing manner, dwelt on the injustice and imprudence of the measure: he advised the ministry to conciliate rather than inflame the heated minds of the populace; and expressed a hope that they would consult the best guide to all human wisdom, the experience of past ages; illustrating his position by the example of Dr. Sacheverel, who was so unwisely prosecuted by the house of commons: he also pointed out the object of Wilkes himself; which was not to retain his seat in that house, but to stand forth, as the apparent victim of its resentment and injustice, to the deluded people: he deprecated any fear of his talents and power to do harm within its walls; though his exclusion would occasion a belief that he had the ability to redress every real or imaginary grievance: finally, he predicted the consequences of his expulsion, in his future returns through the spirit of the Middlesex electors; and the dilemma in which the house would be placed, when obliged

[16] Parliamentary Debates for 1769, February 3rd.

either to refuse a new writ, and thus deprive the county of an important right; or to acknowlege a man for its representative, who might be chosen by a few voters against the declared sense of the majority. 'Are these,' said Mr. Grenville, 'the proper expedients to check and restrain the spirit of faction and disorder?' He concluded with recommending a cool and temperate conduct, unmixed with passion or prejudice; and deprecated the exercise of a discretionary power, the extent of which no man knew, and the mischiefs of which no man could foresee.

But neither the eloquence of Mr. Burke, nor the force of Mr Grenville's prophetic warnings, could subdue the indignation felt and expressed against the unparalleled insolence and criminality of Mr. Wilkes: the motion was carried by a large majority, and a new writ issued for the election of a member in his room.

It was not long before all the predictions above mentioned were fully verified: the popularity of the demagogue increased by what was termed persecution; and the violated name of liberty, associated with that of Wilkes, was profaned by the yells of the rabble, and chalked up on every wall in and around the metropolis. The freeholders of Middlesex were determined to re-elect him; and were encouraged in this resolution by alderman Sawbridge, who observed, that if once ministers should be permitted to say whom the freeholders should not choose, the next step would be to tell them whom they should choose. Wilkes was accordingly rechosen as their representative, free of all expense to himself; but next day, the house declared him incapable of being elected during the present parliament: the popularity however of the man increased, in proportion as the persecution of him assumed a vindictive character; and the favor of his supporters reached a high pitch of enthusiasm, which was answered by the sympathy of a large portion of the kingdom. On the twentieth of February, a subscription was opened for his benefit at the London tavern, which provided a sufficient fund to pay his fines, and left an ample surplus for his future maintenance. All attempts to check the prevailing spirit were useless: petitions and remonstrances were addressed to the king, complaining of the tendency of measures to destroy that harmony which ought to subsist between a prince and his people; and when a meeting was called at the King's Arms tavern to propose a loyal and counter-address to his majesty, the partisans of Wilkes were so numerous as to defeat and turn to ridicule its

object. They, however, who had convened the assembly, prepared an address, and procured signatures to it elsewhere; but in their progress to present it, they were pelted with mud, and assailed with every species of violence and insult: a hearse was dragged before them, decorated with paintings representing the death of Allen, and also a murder committed at an election at Brentford last year:[17] this vehicle attempted to pass into the very court of St. James's, before the few that remained of the original procession: it was resisted by the guard; but the mob persevering in their outrages, two of them were secured by the intrepidity of lord Talbot, and fifteen by the soldiers. The spectacle must have been grievous to the king, by showing him the dangers to which loyalty exposed his subjects in these tumultuous times.

A fresh election was held on the sixteenth of March, when Mr. Dingley, a chief promoter of the meeting just described, appeared as a candidate; but he was so ill treated by the populace, that he retired before nomination and Wilkes was returned without a competitor: but the house of commons, on the motion of the chancellor of the exchequer, again declared his election null and void. At length, in order to terminate a contest so disagreeable to the house, colonel Luttrell, son of lord Irnham, had the courage voluntarily to vacate his seat, with a view to offer himself a candidate for Middlesex; being previously assured, that whatever might be the number of his votes, he should be declared the sitting member. This conduct appeared so rash, that policies of assurance on his life were actually opened at Lloyd's coffee-house; and the house of commons, apprehensive of the event, ordered the sheriffs to take every precaution to preserve the public peace.

The election was conducted with the utmost order, though an outrageous mob filled all the roads leading to Brentford, compelling passengers to shout 'Wilkes and Liberty,' and to allow his badge, 'No. XLV.' to be chalked on their clothes and carriages. The numbers on the poll showed an immense majority for Wilkes against his competitor,[18] and the sheriff declared him duly elected on the thirteenth of April: a motion however was made in the house, and carried, by a majority of 221 to 139, to alter this return, and to insert the name of Luttrell in place of Wilkes. Fourteen days being allowed for petitions against this resolution, one was signed by several

[17] Two men were tried for it and found guilty, but received a pardon.

[18] 1143 to 296.

freeholders, and presented on the twenty-ninth, which brought the matter again under a warm discussion on the eighth of May, when the former resolution was confirmed by a still greater majority. It was even debated whether the sheriffs of Middlesex should not feel the displeasure of the house for their conduct; but Sir Fletcher Norton declared that they were bound to act as they had done; and this intention was then renounced. Ten days afterwards the object of so much passionate resentment was chosen alderman of the city of London; being represented as a meritorious patriot, suffering under tyranny and oppression for the courage with which he advocated the people's cause.

During this session America occupied as large a share of parliamentary attention as could be abstracted from domestic feuds: the ministry and opposition were both desirous of an inquiry, but with different motives: the former wished to show that all blame rested on the captious and intractable spirit of the Americans; the latter would refer it to the vacillating counsels and arbitrary measures of the British government; and with these different opinions each party desired a different mode of investigation. Ministers were for confining the question to the last acts of the colonists; the opposition asked for a general examination of the measures adopted during several years by Great Britain; as it was only by tracing the disorder to its source that a remedy could be applied: but this broad plan of discussion did not suit the administration, who determined that the question should be debated on narrower grounds. The house resolved itself into a committee; and various motions were made for the production of papers, to illustrate the measures of government, but were uniformly over-ruled: those only which related to the conduct of the colonists were laid before the house: with such incomplete materials, and with an implicit confidence in ministers, did a majority of the legislature undertake to deliberate on the important affairs of America. The upper house had already voted strong resolutions relative to the unwarrantable and rebellious conduct of the people and legislature of Massachussetts; with an address to his majesty, praying that he would direct the governor of that colony to transmit the names of persons conspicuous for their illegal acts, since December, 1767; and, if the information afforded sufficient ground, that he would issue a special commission for trying the offenders in Great Britain, according to a statute of the thirty-fifth of Henry VIII.

A spirited debate ensued on the question, whether the com-

mittee should concur in the resolutions and address: the right and expediency of taxing the colonies were ably argued, and the acts of the legislature of Massachussetts were strongly arraigned and ingeniously defended: but after a long debate, in which governor Pownal, who possessed an extensive knowlege of American affairs,[19] took a principal part, the resolutions and address were both carried. In a subsequent discussion, when the report of the committee was laid before the house, Mr. Pownal again distinguished himself in opposition to the measure: he entered at great length into the constitutions and charters of the different colonies, and contended against the right of internal taxation: he dwelt with great force on the impolicy of urging the Americans to acts of resistance; depicted with truth and precision the spirit which animated the inhabitants of Massachussetts-bay, and warned the ministry against giving a spring to their fanaticism, or urging them to quit their native character of husbandmen and merchants, to display their energy in acts of resistance. 'That spirit,' he said, 'which led their ancestors to break away from every thing which is near and dear to the human heart; from every connexion which friendship, relation, blood could give; which led them to quit every comfort that a settled and civilised country, their own native country, could afford, and to encounter every difficulty and distress which a wilderness of savages could oppose to them, to struggle even for their existence; that spirit, equally strong and equally inflammable, has but a slight sacrifice to make at this time: they have not to quit their native country, but to defend it; they have not to forsake their friends and relations, but to unite with and stand by them in one common union: the only sacrifice they have to make, is that of a few follies and a few luxuries. Necessity is not the ground of their commerce with you; it is merely an affectation of your modes and customs; the love for home, as they call England, that makes them like every thing which comes from thence: but passion may be conquered by passion; they will abominate as sincerely as they now love you; and if they do, they have within themselves every thing requisite to the food, raiment, or dwelling of mankind: they have no need of your commerce.' He then described the resources of the Americans, and the facility with which they could obtain all necessaries without applying to England: in conclusion, the governor gave this

[19] He had himself held the situation of governor of Massachussetts.

prudent advice:—'Do nothing which may bring into discussion questions of right, which must become mere articles of faith: go into no innovations in practice, and suffer no encroachments on government: extend not the power which you have of imposing taxes, to the laying internal taxes on the colonies: continue to exercise the power, which you have already exercised, of exacting subsidies, imposts, and duties; but exercise this, as you have hitherto done, with prudence and moderation, directed by the spirit of commercial wisdom. This spirit and mode of government will cement again that union which is shattered, if not quite broken; will restore that spirit of obedience, which the loss of authority on the one hand, and of affection on the other, has interrupted; and will re-establish the authority as well as force of civil government, which has almost lost its force by losing its authority. Exert the spirit of policy, that you may not ruin the colonies and yourselves by exertions of force.'

The resolutions and address however were finally adopted; but amendments being made, they were sent back to the lords for their assent: this gave rise to a motion for recommitting the address; and the proposal to revive the obsolete statute of Henry VIII. came more particularly under discussion: the intention of enforcing it was reprobated with great ability by captain Phipps,[20] who showed that its original intention was quite contrary to that for which it was to be revived: it was passed, when a portion of the French territory was in our possession, to secure for the king's subjects on the other side of the channel that trial by a jury of their countrymen, of which it would deprive the colonists: for an American brought over to England could have none of those advantages which the law would willingly secure to every one. How could he effectually challenge jurors, of whose characters and connexions he must be ignorant? How avail himself of the assistance of counsel, to whose abilities and very names he would be a stranger? And by what process could he enforce the appearance of witnesses from the other side of the Atlantic? But if the culprit, with all these disadvantages, should be acquitted,[1] what reparation could be made to an ingenuous mind for so

[20] Afterwards lord Mulgrave.

[1] 'And acquitted he must be,' said Mr. Phipps; 'for the act of Henry VIII. is for treasons committed out of the realm, and the twenty-fifth of Edward III. makes levying war within the realm treason; so that whether America is in or out of the realm, it cannot be within the letter of both these acts.'

foul an imputation as disloyalty? for dragging him from the endearments of domestic life, from the land of liberty, flowing with milk and honey, to drink at the bitter fountain of oppression? Would he return less possessed of the confidence of his fellow-subjects, less convinced of the inconveniences attending a state of dependence, or less anxious to cast off the yoke, from this new outrage?

Ministers however alleged, that the atrocious spirit of Massachussetts rendered a revival of this statute necessary, though it was improbable that it would ever be put into execution; since a proper display of vigor and lenity must bring back the colonists to a sense of duty. The ignorance displayed at this time by English ministers of the American character is very surprising; nor can we help wondering at the infatuation of men, who when they had so highly irritated the colonists by the infringement of one great constitutional right, sought to calm them by attacking another still more dear to British subjects. The motion for recommitment was lost by a great majority.

On the 14th of March the house again took up the consideration of American affairs, in consequence of a representation from New York, denying the right of parliament to tax them: lord North opposed its reception; and colonel Barré observed, that his predictions respecting the loss of our colonies, when the stamp act was passed, were now about to be accomplished. Some observations were made on the unproductiveness and expense of American taxes. Mr. Grenville said, with great truth, that there was no medium: we must either resolve strictly to execute the revenue laws in America, or abandon the right with a good grace, and repeal the declaratory act, as well as these laws. Mr. Burke answered, there might be and was a proper medium: the right of taxation was undoubted; but a minister ought to be well convinced of the expediency before he attempted to enforce it. It was resolved not to receive the representation. At a later period, governor Pownal moved to repeal the revenue acts affecting North America, and supported his motion by a long and able speech; but as the session was far advanced, the discussion of this important subject was deferred. The *Nullum Tempus* bill of last session was passed, and its benefits extended to America.

The charter of the East India company was prolonged for the farther term of five years, on conditions similar to those in the last agreement: they were however allowed to increase

their dividends to twelve and a half per cent., provided the addition did not exceed one per cent in any one year: should the company be obliged to reduce their dividends in that period, a proportionate sum was to be deducted from their annual payment of £400,000 to government; and should they fall to six per cent. this payment was to cease. The company was also bound to export British goods, at an average, of equal value with those sent to India during the last five years; and should any surplus of cash remain in England, after payment of specified debts, it was to be lent to government at the rate of two per cent. These stipulations were considered a favorable specimen of financial talents in lord North, the chancellor of the exchequer.

On the last day of February a message from the king was delivered to the house, informing them that the arrears of the civil list amounted to £513,000, and desiring the assistance of his faithful commons to discharge this heavy encumbrance. In the present state of financial difficulties, when it was determined in the royal mind to subdue the rebellious spirit of America at any cost, and when every attack on prerogative was felt so sensibly, this wasteful expenditure of the public resources naturally excited the opponents of administration to demand the production of papers to account for these arrears; but such was the zeal and loyalty of the house, that after three days of warm debate, the motion was negatived, and the sum granted, without the formality of an inquiry. On the ninth of May, parliament was prorogued; and the king, in his speech, exhorted the members, with more than ordinary earnestness, to exert themselves in repressing the efforts of the disaffected in their several counties, and in maintaining public peace and good order.

The effects produced in America by the revival of the obsolete statute of Henry VIII. corresponded to the predictions of those who opposed it; for it not only enraged the disaffected, but alarmed the loyal. Many, who had uniformly supported the legislative supremacy of Great Britain, now began to question an authority which afforded such ready means of oppression. In Massachussetts, the projected scheme, assisted by the presence of the military, inspired some awe for a time: but political writers soon resumed their avocations; and the new assembly, adhering to the spirit of the last, stated, in a message to the governor, that they could not proceed to business while ships of war were in their harbor, and a military force stationed, not only within their city, but in the very

street where the assembly met; nay, with cannon pointed towards the door of the court-house: the answer was, that he had no power to remove either ships or troops. When the assembly proceeded to elect a council, they carefully excluded every person attached to government, or opposed to the turbulence of party; and they entered a resolution on their journals, protesting that their transaction of business was an act of necessity, not to be drawn into a precedent. After many violent altercations, and an interruption of public business for three weeks, the governor informed them, that although he had not power to remove the troops from Boston, he could adjourn the assembly to another town; and accordingly he did adjourn them to Cambridge: but their indignation was not lessened, when, as they observed, 'instead of the least abatement of military parade, the general assembly was made to give way to an armed force;' and the cannon were withdrawn from the neighborhood of the court-house on the very night after the adjournment.

But whatever resentment the house might feel at this removal, they could now consistently proceed to business, which was greatly in arrear; and in their attention to the internal affairs of the province they did not overlook the interesting subjects relating to their disputes with Great Britain. On the twenty-seventh of June, they voted a petition to the king for the removal of their governor; and on the following day, a message was received from Sir Francis Bernard, containing no reference to such petition, but informing the house that his majesty had required his presence in England for the purpose of ascertaining the real state of the province: but as he was to attend the king in quality of governor, he added, that the same necessity for a grant of the usual salary existed as heretofore; and desired that such grant, according to the forty-ninth instruction, should precede all other business of the session: the house however thought proper to put a different construction on the order; and having refused compliance, entered into several warm resolutions, in language of greater exasperation than had yet appeared in the official acts of any provincial legislature.

On the sixth of July, the governor sent a statement of expenses incurred by the royal troops quartered in Boston, with a request from general Gage, that funds might be provided to discharge the same, agreeably to the provisions of the mutiny act. The house had frequently found means of misunderstanding or evading the royal instructions; as in the

case of the stamp act, when a resolution was passed to use no stamped paper: but here no room was left for misunderstanding or evasion; the terms of the mutiny act were clear and explicit; and it was now to be seen whether they would openly refuse to comply with an act of parliament, or by one vote give up the great principle of taxation, and make a provision for the very troops which were sent to force them into such compliance. After an indignant denunciation of the act in question, and observing that 'of all the new regulations, the stamp act not excepted, it was the most excessively unreasonable,' they thus declared their resolution:—'your excellency must excuse us in this express declaration; that as we cannot, consistently with our honor or interest, and much less with the duty we owe to our constituents, so we never will make provision for the purposes in your several messages mentioned.'

Thus ended the attempt to enforce the mutiny act in Massachussetts. On receiving this decision, the governor prorogued the assembly, and took his final leave of them in the following terms:—'To his majesty therefore, and if he pleases, to his parliament, must be referred your invasion of the rights of the imperial sovereignty: by your own acts you will be judged: you need not be apprehensive of any misrepresentations; as it is not in the power of your enemies, if you have any, to add to your publications: they are plain and explicit, and need no comment. It is my duty, and I shall do it with regret, to transmit to the king true copies of your proceedings: and that his majesty may have an opportunity to signify his pleasure thereon before you meet again, I think it necessary to prorogue this general court immediately, to the usual time of the winter session.'[2]

At the departure of Sir Francis Bernard, the powers of government devolved on lieutenant-governor Hutchinson, a native of the province, and in point of abilities one of the foremost men that it has produced; but actuated by a grasping ambition and an inordinate love of office and aggrandisement. 'Whilst a member of the house of representatives, he had in a time of peculiar embarrassment been of the greatest service to the province, and acquired an extensive influence: as chief justice, he was upright, impartial, and popular; but when, as lieutenant-governor and governor, he lent the aid of his great abilities to the cause of the ministry, his popularity and in-

[2] Massachussetts State Papers, p. 188.

fluence were lost, and his name was execrated. When the disputes with Great Britain commenced, he was already a man of distinction, in favor with ministers, and justly calculating on higher preferment from them: therefore although he seems at first not to have approved the plan of taxing the colonies; yet when the dispute came to be one about the extent of the royal prerogative and of the power of parliament, his habits, and what he probably considered his interest, naturally drew him to the side of the crown; and his talents placed him at the head of the royal party.'[3]

The example of Massachussetts was followed by other provinces: bitter altercations took place between the legislatures and governors, several of whom, like Sir Francis Bernard, dissolved the assemblies. The spirit of disaffection every where increased; and associations against British commerce were instituted to such an extent, that the exports to America this year were found to fall short of those in the year preceding by £740,000: the revenue also derived from that country was reduced from £70,000 to £30,000:[4] manufactured articles began to be smuggled from other countries, especially from France; and thus the narrow views of ministers not only destroyed the resources of Great Britain, but tended to enrich its commercial and political rivals.

The transactions above mentioned, and the consequent loss of profit, greatly alarmed our merchants; so that about this period a circular letter was sent from lord Hillsborough to the provinces, acquainting them, 'that his majesty's ministers intended to propose, in the next session of parliament, the taking off all duties on glass, paper, and colors, as having been enacted contrary to the true principles of commerce;' and assuring them, that no additional taxes were contemplated for the purpose of raising a revenue from the colonies: this concession was wisely made to conciliate America, in the present state of disaffection and discontent prevailing in England. 'But,' says Mr. Belsham, 'as the wisdom of man is generally blended with a portion of folly, the duty on tea was purposely and invidiously left, as a mark of the legislative supremacy of Great Britain, very contrary to the inclinations and earnest endeavors of the minister, who by cogent arguments demonstrated in council the impolicy of leaving that fatal germ of contention to expand into incurable animosity. But though

[3] North American Review for October, 1820, p. 328.
[4] In 1767 it was £110,000.

the duke of Grafton was on this occasion powerfully supported by lord Camden, and various other names of the highest respectability, his system of moderation was most unfortunately overruled in the cabinet, in a favorite point of primary importance within his own department, by the operation of that secret and baleful influence, which, it might surely have been imagined, the evil genius of Britain alone could at this momentous conjuncture have awakened into action. From this period the duke of Grafton entertained fixed and serious ideas of relinquishing his station so soon as a successor could be provided by his majesty.'[5]

During the summer, discontents rose higher in England than at any preceding period of the reign. The disputes with America, and the expulsion of Wilkes, kept the public mind in a state of constant excitement; especially since to this latter cause of dissatisfaction, was added that arising from the nomination of a man supported by a minority; which involved a constitutional right of great importance. The question was, whether expulsion constituted disqualification during the current parliament. The great abilities of Dr. Johnson were employed in proving the affirmative;[6] and his chief argument was, that the power of disqualification was necessary to the house of commons; for otherwise expulsion would be a nominal, not a real punishment. It was contended, on the other side, that although the house of commons could expel, the concurrence of all branches of the legislature was necessary to incapacitate; and on these grounds the city of London petitioned the king to dissolve the parliament. The writer who entered most fully into this question, on the grounds of law and precedent, was the celebrated author of Junius's Letters, who began his fierce implacable warfare against the conductors of government in the beginning of this year. His argument rested on the axiom, that political expediency does not prove existing law. He defied his opponents to produce any statute applicable to the subject; and with regard to the precedent of Walpole, on which they mainly rested, he took it to pieces, and showed that it was not a case in point.[7]

The Middlesex election also drew forth the powers of this

[5] History of England, vol. v. p. 286. It has been thought proper to quote this passage, because Mr. Belsham had the opportunity of consulting private documents relating to the duke of Grafton's public life.

[6] In his essay intitled False Alarm.

[7] See Letter xv. dated July 19, 1769.

extraordinary writer, who eagerly embraced so favorable an opportunity of advancing the great object he had in view, the restoration of the whig aristocracy to power: to effect this it was necessary to overthrow the duke of Grafton's administration, which he accordingly attacked with the most virulent invective and the most energetic eloquence. To an indignation against this hated cabinet in general, he added strong personal resentment against individual members of it; and availing himself of his impenetrable secresy, mixing up truth with falsehood, supplying deficiency of information with bold conjecture or shameless fiction, combining public grievances with popular clamor, and national pressure with party interests, —he formed a strong and masked battery, which he brought to bear with terrific effect on the fortress of ministerial power. But though we may start at the boldness of his calumnies, or shudder at the almost demoniacal spirit which sometimes appears in his denunciations against the highest characters in the realm, it must be confessed that good arose from the alarum which he rang throughout the kingdom: the people were roused to watch the designs of their rulers, to inspect vigilantly the state of public affairs, and to examine questions in which the safety of the constitution and their own liberties were concerned: 'from that period,' as an ingenious writer observes, 'no erring politician was suffered to remain in peace, no guilty one to escape with impunity: the supporters of arbitrary power, the ministers of secret corruption, all who sought in any manner to trample on the liberty of the people, trembled at the very name of Junius. To fly from his wrath, or to contend with his censure, was equally hopeless: the endeavor to refute his accusations in most cases only rendered their truth more evident and their power more sure. An expedient to destroy the force of his satire acted in the hand of the inventor like a sword of steel against the forked lightning of heaven;—it gave a steadier direction and a more burning intensity to the angry flash.'[8]

Assuming the country to be verging towards ruin from evil counsels, popular commotions, wasted finances, and the jealousy of foreign powers, he made his attacks on specific measures and political characters, for a double purpose: he wished to trace the source of all this evil to the system introduced by lord Bute in the beginning of the reign, and to show that the present members of administration were the

[8] North American Review, No. 20, p. 316.

fittest tools for carrying that system into effect: the Middlesex election therefore offered him a fine occasion of assailing them through the parliament, which he represented as their worthless instrument in violating the elective franchise, and thus wounding the constitution in one of its most vital parts. But not content with laying ministers, with lords and commons, prostrate at his feet, he determined to attack the system in the very highest quarters; and in a letter addressed to the king himself, which was dexterously adapted to the popular prejudices, and to the views of the whig aristocracy, he imputed all the errors of his majesty's reign to a dereliction of the policy of his predecessors, and his adhesion to those new counsellors, who are designated as Scotchmen, in allusion to the country of lord Bute. 'I am ready,' says he, 'to hope for every thing from their new-born zeal, and from the future steadiness of their allegiance; but hitherto they have no claim to your favor. To honor them with a determined predilection and confidence, in exclusion of your English subjects, who placed your family, and, in spite of treachery and rebellion, have supported it on the throne, is a mistake too gross even for the unsuspecting generosity of youth: we trace it however to an original bias in your education, and are ready to allow for your inexperience.'

The prosecution of his printer and publisher served only to increase the fame and exasperate the attacks of Junius: but though he succeeded by the artillery of his wit and eloquence to effect a breach in the political fortress, the whigs were unable to enter: its defenders changed their leader and a few subalterns, but kept firm possession of the place.

Alarmed at the prevailing spirit of the people, ministers now sought to counteract it by procuring loyal addresses from various parts of the country; but only four counties, and very few corporations, beside the two universities, were found willing to forward their views; whilst numerous petitions of a contrary tendency, accompanied by the most virulent remonstrances and insolent expostulations, had the effect of raising discontent to an extraordinary height, before the legislature could assemble.[9] With a farther view of embarrassing govern-

[9] How unexpected by ministers were the tumults raised on account of Wilkes may be seen from the following letter of lord Rochford to Sir A. Mitchell:—'I write only to have the satisfaction of acquainting you, that on Friday last the expulsion of Mr. Wilkes from the house of commons was determined by a

ment, the city of London again elected alderman Beckford to the mayoralty: an attempt was made to prevent it, by reference to some ancient by-laws, which forbade the same person to be chosen twice within the space of seven years; but the objection was overruled by precedents.

Ireland, as well as England, was in a state of trouble and commotion: the great expenses of elections, after the octennial bill had passed, were severely felt; and the constant residence of the chief governor offended many, with whose power and influence it began to interfere. Loyal addresses however having been voted without much opposition in both houses, a motion was made, and after considerable trouble carried, to augment the military force in that country by a completion of the battalions on the Irish establishment: many important regulations also were introduced into the routine of service.

The affairs of India now require some portion of our attention. It was to be expected that a dominion like that of the British would remain for some time in a state of weakness, and be subject to continual attacks: accordingly, soon after lord Clive's departure, hostile operations were commenced by Hyder Ali, a soldier of fortune, and of great talents, who had usurped the government of Mysore, and devoted the resources of his powerful mind to the establishment of a vigorous and efficient administration. Finding the British power a strong barrier against the extension of his dominion, he artfully attempted to engage the native princes to combine with him against their protectors; in pursuance of which scheme, he prevailed on the nizam, or subahdar of the Deccan, to forego his alliance with the English, and to join him in a declaration of war. An English corps under colonel Smith, which was in Hyder Ali's dominions, but had separated from the nizam's army in consequence of some intimation of his designs, was attacked on its march, near Changamal, by the united forces of the new allies. The assault was sustained for the space of an hour, and the enemy at length vigorously repelled; but the British were obliged to hasten, in a march of thirty-six hours without any refreshment, to Trinomalee. Here they took refuge within the fortress, from which they beheld

majority of 219 to 137; which, it is hoped, will undeceive foreign courts with regard to the embarrassment they might suppose would continue to be given to government by that turbulent spirit.'

the surrounding country covered with the enemy's troops, and devastated with fire and sword. Colonel Smith however did not long remain idle, though obliged to act with caution. After some engagements, the nizam, whose resources and disordered government could ill endure a protracted contest, grew heartily tired of the war, and signified to the English a desire of negociation. As a security against deception, colonel Smith insisted that he should first separate his forces from those of Hyder; but in the mean time the period of operations returned; and the English commander, being reinforced, defeated the enemy in a severe action near Amboor. This disaster quickly brought the nizam to terms; and a treaty was concluded in February, 1768, by which he ceded the dewanee of Carnatic Balagaut to the company, subject however to a payment of seven lacs per annum, and the same tribute to the Mahrattas: the English agreed to assist him with two battalions of sepoys and six pieces of cannon as often as required; and the tribute due to the nizam for the Circars was reduced from a perpetual rent of nine lacs, to that of seven for the space of six years.

The defeat and separation of the allies raised the tone of the Madras government; and to bring the conduct of the war more under its control, two members of council were injudiciously sent to act as field deputies, without whose concurrence no operations could be carried on. These members compelled the commander of the troops to renounce his own plan of operations, in order to act offensively against Mysore; but the army, too feeble for the enterprise, could not proceed with energy; and the summer passed away in unavailing movements. Hyder, whose government required his presence, made in September overtures for peace, which were haughtily rejected; but he was by no means inattentive to the concerns of the war. Taught by experience, he now avoided a general engagement with the English; but he straitened their quarters, cut off their supplies, and exhausted them in an unavailing pursuit: having also increased his army by alliances with the Mahrattas, he took the considerable fortress of Mulwaggle, and gained some advantages over colonel Wood, who in vain attempted to recover the place. The presidency, dissatisfied with the progress of the war under colonel Smith, who in return was highly exasperated by the control of the field deputies, recalled that excellent officer, and commanded their ally, Mohammed Ali, nabob of Arcot, to join the army, which was becoming weak and despondent through sickness and desertion. Hyder now displayed increasing vigor: he fiercely attacked

colonel Wood, and that officer was unable to save his baggage: before the end of the year he recovered all the territory he had lost; and in January, 1769, he carried his usual ravages into the Carnatic; the whole southern part of which he plundered and laid waste, except the dominions of the rajah of Tanjore, who saved himself by a timely accommodation. The British army, being unprovided with cavalry, could neither overtake the enemy nor interrupt his devastations. Under these circumstances, colonel Smith was again sent to take the chief command, who straitened the enemy's movements, and dexterously interposed a detachment between Hyder and his own dominions: this however was of less consequence to that chief, as he drew his resources from the countries in which he fought.

Hyder now, in his turn, meditated a stroke, which he executed with great address: sending home all his heavy baggage and plunder from Pondicherry, where he had been twice to confer with the French, he drew the British army, by a series of skilful movements, to a considerable distance from Madras: then putting himself at the head of 6000 horse, and performing a march of 120 miles in three days, he appeared suddenly in the neighborhood of that city. His demands were, that a negociation for peace should be opened instantly, during which all advances of the army in the field should be forbidden. The council were struck with consternation: the fort indeed might have held out till the arrival of colonel Smith; but the open town with all its riches, the adjacent country with the fine garden-houses of the governor and council, would have been ravaged and destroyed. Hyder's proposition therefore was accepted, and a treaty concluded on the fourth of April, 1769, which stipulated, first, for mutual restitution of conquests; and, secondly, for mutual aid and alliance in defensive wars.

Hyder Ali was discovered to be the ablest foe with whom the British had been yet engaged in India; and this was the first war, in which, without acquiring any advantage, they had incurred the loss of all their expenses. The price of East India stock, in consequence of these disasters, fell sixty per cent.; and the treaty with Hyder was for the directors a never-failing source of resentment and reproach: they accused the presidency of irresolution and incapacity, and blamed the pusillanimity with which peace had been made at the dictation of an enemy, and the foundation laid of future insult: yet they pretended not that the renunciation of conquests was worse than a continuation of the war; or that the vain boast of

driving Hyder's cavalry from the walls of Madras would not have been dearly purchased with the plunder of the city and adjacent country. The answer of the presidency was, 'that they were compelled to make peace for want of money to wage war.'[10]

In the mean time, the government of Madras, unable alone to support the expenses incurred, was obliged to draw on the council of Calcutta for supplies: the money remitted from Bengal, during a depreciation of coinage, occasioned an immense loss from the enhanced rate of exchange; and the possessors of unadulterated silver were so tenacious of it, that few rupees were in circulation: investments could no longer be made to China, and the labors of manufacturers were at a stand. At this time also a new subject of alarm arose with regard to Sujah Dowla, who was said to be augmenting and disciplining his troops; but a deputation sent from Calcutta to examine into his conduct, induced him to disband a great part of his forces, and enter into a treaty not to increase them beyond a limited number.

The alarm excited in England by this dangerous state of the company's affairs induced the directors to propose sending out new commissioners, called supervisors, with authority to examine and rectify every department, even so far as to countermand the operations and suspend the authority of the presi dents and councils. The scheme was vehemently opposed by the friends of the present rulers in India, and by those who disliked the accumulation of exorbitant powers in a few hands: but the general disappointment of the proprietors in their golden dreams prevailed; and this important trust was delegated to Mr. Vansittart, Mr. Scrafton, and colonel Ford, who had all distinguished themselves in the affairs of India.

These differences however were scarcely terminated, before the directors were embarrassed by a claim of the government, in consequence of an application made for two ships of the line with some frigates, that the naval officer whom the crown might appoint should be allowed to take a share in transactions with native princes, and act as a principal in the offensive and defensive policy of the country. The directors represented this proposal as affecting the honor and existence of the company, and illustrated its bad policy from the ruin of the French East India company. The great argument on the other side was furnished by lord Clive and the directors them-

[10] Mill's British India, vol. iii. p. 425.

selves, who had used the most emphatical terms to create a belief that the unprosperous state of their government was wholly produced by the rapacity and misconduct of those who conducted it in the east: the authority of a king's officer was held up as an indispensable security against these delinquencies; and the dignity of the master whom he served was represented as necessary to add weight to the negociations of a commercial body. After long and acrimonious debates, the powers demanded by government were condemned in a court of proprietors; but a compromise was at last effected; the company consenting to sanction the interference of the naval commander within the gulf of Persia, where they were embroiled with some of the neighboring chiefs: the demand for two ships of the line was suspended on one side, and the legal objection to the commission of the supervisors withdrawn on the other. Two frigates, besides the squadron for the gulf of Persia, were ordered on the Indian service: in one of them the supervisors took their passage; but she never reached her port; nor was any intelligence of her, or of her passengers, ever received.

CHAP. XII.

GEORGE III. (CONTINUED.)—1770.

Parliament meets—King's speech—Lord Chatham's reappearance in the house—His speech on American and domestic affairs—Lord Mansfield's—Lord Chatham's reply—Supported by lord Camden—Debates in the commons on an amendment to the address—Strength of opposition and signs of an approaching dissolution of the cabinet—Lord Camden dismissed — Mr. Yorke accepts the great seal—His death—Resignations sent in —Marquis of Rockingham's motion—Duke of Grafton's reply; resignation — Lord North made premier, and Sir Fletcher Norton speaker—Other ministerial changes—Mr. Dowdeswell's motion regarding elections—Met by lord North—Lord Rockingham's on the same topic—Answered by lord Sandwich, &c. —Conduct of the livery of London—Remonstrance to the king —Conduct of the county of Middlesex—Wilkes's conduct after his release from confinement—Call of the house of lords by lord Chatham—His motions, &c.—Mr. Dowdeswell's bill to disfranchise revenue officers negatived—Accounts of the civil list—Mr. Grenville's bill on controverted elections—Lord North's repeal of the revenue act, excepting the duties on tea —Riotous proceedings at Boston—Contests between the city of London and the court—Beckford's conduct to the king—Birth of the princess Elizabeth—Address of the city, and tumult of the populace—Woodfall's trial—Proceedings respecting it in the house of lords—Also in the commons—Continental politics — Proceedings with respect to Falkland's islands—Death of alderman Beckford—Quarrel between Wilkes and Horne—Establishment of democratic societies—Affairs of Russia and Turkey—Meeting of Frederic the Great and the emperor Joseph—Plan for the partition of Poland—Affairs of France—Proceedings in the province of Massachussetts.

PARLIAMENT met on the ninth of January, when, contrary to expectation, the king's speech took no notice of the public discontents, though it feelingly lamented the general distress, which was likely to be augmented by a fatal disease prevalent among the horned cattle:[11] it adverted to the dissatisfaction still prevailing in America, and disturbances on the continent;

[11] This speech was the occasion of much wit and ridicule in different publications and gave rise to the name of the 'horned cattle session.'

but expressed his majesty's desire and hopes of maintaining this country in peace.

Lord Chatham had by a temporary secession from public business recovered his health, whilst his mind was tranquillised by a reconciliation effected between himself, lord Temple, and Mr. Grenville: with health and spirits, his eloquence also returned; and the administration felt his power, like that of a giant refreshed. On the motion for an address, he declared, 'that the alarming state of the nation forced him once more to come forward and execute that duty which he owed to his God, his sovereign, and his country; and which he was determined to perform at the hazard of his life:' he then took a general review of measures since the peace of 1763, which he blamed, as having left us without an ally, whilst France had been successfully cultivating her connexions: but he lamented still more the unhappy acts which had severed the affections of the colonies from Great Britain; though, as the house had no documents, he would not call their proceedings unjustifiable: no part however of the address bore a comparison, in point of interest, with what regarded the internal discontents of the country: to these he strongly called the attention of their lordships; since their privileges, however transcendent and appropriate to themselves, stood in fact on the people as a basis: the rights of the greatest and meanest subject had the same foundation, the security of the law, common to all. He affirmed that the liberty of the subject was invaded, not only in the provinces, but at home: the people were loud in their complaints, and would not be pacified without a redress of grievances; nor ought they; for it were better to perish in a glorious contention for their rights, than to purchase a slavish tranquillity at the expense of the constitution: finally, he moved an amendment, purporting, 'that the house would with all convenient speed take into consideration the causes of the prevailing discontent, and particularly the proceedings of the house of commons, touching the declared incapacity of John Wilkes; wherein a resolution of one branch of the legislature only had refused to the subject his common right, and deprived the electors of Middlesex of their free choice of a representative.'

Lord Mansfield opposed the amendment, though he acknowleged the distracted state of the nation. Declarations of law, he said, made by either house of parliament, were attended with bad effects, and in his judicial capacity he never honored them with the slightest degree of regard: he considered general

warrants illegal, but was sorry the house of commons should declare this by their vote. He next showed the distinction between general declarations of law, and particular decisions which might be made judicially by either house, on a case properly subject to their jurisdiction: a question relating to the seat of a member could only be determined by the house itself, whose judgment was final, and must be received as the law of the land. He avoided entering into the merits of the late decision, as the lords had no right to discuss the subject: the amendment, he thought, was a gross attack on the privileges of the commons, calculated to create a quarrel between the two houses, or between the king and the commons; for if the king should dissolve the parliament, the next house of commons, if they knew any thing of their own privileges or of the laws, would, on the first day of the session, declare such proceeding to be a violation of their rights.

Lord Chatham began his reply by extolling the use of common sense above subtilty and ingenious refinement: the constitution, he observed, had been openly invaded, and he heard with horror and astonishment that invasion defended on principle: he distinguished between the legislative and jurisprudential functions of the house of commons; denying that it had a supreme jurisdiction, or that its decision must be received as the law of the land. Why, he asked, were the generous exertions of our ancestors made, to secure and transmit to their posterity a known law and a certain rule of living, if, instead of the arbitrary power of a king, we must submit to that of a house of commons? Tyranny is detestable in any shape; but particularly when exercised by a number of tyrants: but this is not the fact or the constitution. There is a law of parliament, and a code in which every honest man may find it: it is in Magna Charta, in the statute-book, in the bill of rights. What security could we have for our rights, if it were admitted that a court of judicature might determine questions, not by any known positive law, but by some vague and arbitrary rule?

He denied that precedents were law; they were merely evidences of law; and of no authority, unless founded on and confirmed by reason, not contradictory to any positive law, unquestioned by the legislature, and not adverse to the spirit of the constitution. The first principle of the constitution is, that the subject shall not be governed by the will of any man or body of men, but by the whole legislature, and by certain laws to which he has virtually given his assent; which are

open to him to examine, and not beyond his ability to understand: but the late decision is destitute of every condition essential to its legality; being unsupported by reason, precedent, Magna Charta, or the bill of rights. 'Whether it be questioned by the legislature,' said his lordship, 'will depend on your resolution: that it violates the constitution, no man, who has heard this day's debate, can deny; yet, if we are to believe the noble lord, this grievance admits not a remedy, is not capable of redress; but I have better hopes of the constitution, and a firmer confidence in the wisdom and constitutional authority of this house.' After praising the ancient nobility as founders of the constitution, and invoking the house not to degenerate from the glorious example of their ancestors, he said;—'Those iron barons (for so I may call them when compared with the silken barons of modern days) were the guardians of the people; yet their virtues were never engaged in a question of such importance as the present. A breach has been made in the constitution—the battlements are dismantled—the citadel is open to the first invader—the walls totter—the constitution is not tenable. What remains, then, but for us to stand foremost in the breach, to repair, or to perish in it?'

The manly eloquence of the earl of Chatham was supported by the argumentative abilities of lord Camden: the warmth of the former seemed indeed to have communicated itself to his friend: 'I accepted,' said he, 'the great seal without conditions; I meant not therefore to be trammelled by his majesty; (I beg pardon) by his ministers; but I have suffered myself to be so too long: for some time I have beheld with silent indignation the arbitrary measures of the minister; I have often drooped and hung down my head in council; and disapproved by my looks those steps which I knew my avowed opposition could not prevent: I will do so no longer, but will openly and boldly speak my sentiments.' He agreed with lord Chatham respecting the incapacitating vote of the house of commons; and accused the ministry, by implication, of having formed a conspiracy against the liberties of the country. The amendment was negatived.

In the house of commons also an amendment to the address was moved by Mr. Dowdeswell, and the debate on this motion brought down a severe reprehension of the late ministerial measures: colonel Barré observed, 'that a great part of the king's subjects were alienated from him; England was in opposition to its own representatives; in Ireland the parlia-

ment was prorogued because it had supported the true constitutional right of taxation; the colonies were in actual rebellion, on account of taxes confessedly imposed, not for gain, but as a mere test of obedience; and perhaps, to crown the whole, France was on the eve of a war with us.' The marquis of Granby was dissatisfied with the vote he had given on the Middlesex election, and wished the house would re-examine their resolution: lord North declared he never would consent to annul the resolutions of the house; and Sir Fletcher Norton averred that they could not be altered but by an act of the whole legislature. The amendment was rejected by a majority of 254 to 138.

On reporting the address, another debate arose, from an objection made by Sir W. Meredith, that to thank the king for his approbation of their conduct would imply an approval of the decision respecting the Middlesex election. Sir G. Saville accused the house of having betrayed the rights of the people; and being threatened with the Tower by general Conway, was defended by sergeant Glynn, and also by Mr. Burke, who, conscious of the popularity of the cause, challenged the ministry to punish Sir George if he was a delinquent: the people, he said, abhorred the present ministers; and he asked the speaker whether he did not perceive his chair trembling under him: Sir George Saville having repeated the offensive words, Mr. Charles Fox[12] descanted on the licentious language introduced into the house: Mr. Burke replied; but there was no division.

The strength displayed by the opposition, the reviving eloquence and popularity of lord Chatham, a combination formed between his friends and the Rockingham party, and a division among the ministers themselves,[13] gave signs of an approaching dissolution of the cabinet. Lord Camden having been dismissed from his high office, every effort was made to embarrass the government, and to throw difficulties in the way of providing a successor: lord Temple deprecated any attempt to supply his place with some obsequious lawyer; and lord Shelburne observed, that the great seal must go a begging; but he hoped there would not be found a wretch sufficiently

[12] This is the first time any speech of that statesman is recorded in parliament.

[13] Besides lord Camden in the house of lords, Mr. Dunning, solicitor-general, and lord Granby, commander of the forces, divided with the minority in the house of commons.

base and mean-spirited to accept it on such conditions as would gratify the ministry.

Under these circumstances, it was offered to Mr. Yorke, who had filled the offices of solicitor and attorney-general, and was universally respected for his talents, integrity, and high literary attainments: the unsettled state of affairs, and the opinions of many among his friends, made him very reluctant to accede to the proposal; but the earnest anxiety of the king himself, who represented the acceptance of the great seal by Mr. Yorke as most essential to the public service, prevailed over his better judgment, and rendered him forgetful of a promise made to his brother, that he would not accept it. He was immediately raised to the peerage by the title of lord Morden, but did not live to see the patent completed. Distressed by the averted looks of former friends, and refused admittance, as it is said, when he called at his brother's house, his sensitive mind sank under the intensity of his feelings, and in a fit of despondency he put a period to his existence. His loss was considered a national calamity; since much was expected from his prudent and conciliatory conduct in the formation of a ministry, and in the pacification of our American colonies.

Lord Camden's removal was followed by the resignations of lord Granby, Mr. Dunning the solicitor-general, and several noblemen who held offices in the household. After an adjournment of the lords, which had taken place during these changes, the marquis of Rockingham, in pursuance of a notice previously given, made his motion for taking into consideration the state of the nation. He began by representing the present unhappy condition of affairs, and the general dissatisfaction of the people, as results of that change in the system of government, introduced by persons in whom his majesty confided; and of that dangerous maxim which they adopted, that the royal prerogative alone was sufficient to support government, whatever hands they might be to which it was entrusted. Reviewing the acts of ministers from the beginning of the reign, he ascribed the mischief arising from them to this principle; and concluded with recommending an early day for investigating the state of the country: in consequence of such inquiry, the house would, he hoped, indicate to the crown means, not only of correcting past errors, but of establishing a system of government more wise and stable, better suited to the genius of the people, and more consistent with the spirit of the constitution.

The duke of Grafton said, he had no intention to oppose the

motion; but rather would second it, and meet the question whenever the house should think proper: for the present, he wished only to exculpate himself from certain charges made against his domestic and foreign policy. Lord Chatham next rose, and in a long but animated speech complained vehemently of the breach made in the constitution: 'if that,' said he, 'be effectually repaired, the people will of themselves return to a state of tranquillity; if not, may discord prevail for ever! If the king's servants will not permit a constitutional question to be decided according to the forms and on the principles of the constitution, it must then be decided in some other manner; and rather than it should be given up, or the nation surrender its birthright to a despotic minister, I hope, old as I am, to see the question brought to an issue, and fairly tried between the people and the government.' After making some severe remarks on the surrender of Corsica, the augmentation of troops in Ireland, the arrears of the civil list, the waste of public money, and the evil effects of Asiatic wealth in corrupting the legislature, he offered some suggestions on the propriety of a reform in parliament. He considered the boroughs as the rotten part of the constitution; but, like the infirmities of the natural body, they must be borne with patience: the limb was mortified, but amputation might be death. To infuse new vigor, it would be necessary to augment the county and city representatives, and extend the regulation to Scotland, in order to prevent any jealousy which might arise from an apparent violation of the union.

The discussion of this important question was fixed for the second of February; but before that time, the duke of Grafton, harassed by domestic commotions, and attacked by powerful invectives through the press,[14] had resigned his office: the king, abandoned by his minister, insulted by lord Chatham, and tyrannised over by the whig aristocracy, committed the charge of government to lord North. The new premier, with whose administration commences a momentous era in the annals of Great Britain, was a man of elegant acquirements, and the delight of private society: brought up amidst official duties, and aiming constantly at legislatorial distinction, he acquired eminent skill in managing a debate; whilst his good

[14] In this year Burke published his excellent treatise, entitled, 'Thoughts on the present Discontents,' strongly opposing the duke's administration, and giving an able exposition of whig principles. In the year preceding Junius began his attacks.

humor and equanimity of temper secured to him a greater share of esteem and affection than was perhaps ever possessed by any other minister. During his administration, however, the national troubles went on increasing; though the premier thought that the country must be prosperous so long as his own power was secure, and saw no other means of obtaining that security but by a parliamentary majority. For a long period that majority adhered to one who left no art unpractised, no effort unessayed, to allure the doubtful, to corrupt the base, and to reward the faithful: yet at the same time an opposition, few in number, but brilliant in eloquence and genius, began a splendid career, gradually working its way through the most arduous parliamentary struggles; until by its powerful energies and effective combination, it finally triumphed in spite of popular prepossessions and the obstinacy of the court.

Sir John Cust's state of health having induced him to resign the speaker's chair, Sir Fletcher Norton was elected his successor: the earl of Halifax was appointed privy seal, in the room of lord Bristol, who was made groom of the stole; Mr. Wellbore Ellis was selected to be a vice-treasurer in Ireland, Charles Fox a lord of the admiralty, and Mr. Thurlow solicitor-general.

The principal object of the late debates in the house of lords was to procure a vote in favor of the Middlesex electors, against the decision of the commons: with the same view Mr. Dowdeswell brought forward a motion in the lower house, 'that in judging of elections, they ought to be regulated by the law of the land, and the known and established law and custom of parliaments, which make part thereof.' This undeniable proposition, which was announced as a prelude to others, reduced ministers to an unpleasant dilemma; for if they agreed to it, and rejected those that followed, they would seem to resist conclusions fairly drawn from premises which they had conceded; or if they rejected the motion at once, it would appear as if the house of commons was a capricious court, which considered itself bound neither by law nor by the usages of parliament. Lord North dexterously avoided the snare, by moving as an amendment, 'and the judgment of the house on the Middlesex election is conformable to law and the usage of parliament;' which, after a long debate, was ultimately carried.

On the day appointed, February 2d, the marquis of Rockingham made a similar motion to that of Mr. Dowdeswell,

and was ably opposed by lord Sandwich, on the ground of improper interference with the privileges of the other house; which, if aggrieved, had the means of redress within its own power. He was answered by lord Chatham, who declaimed with great severity against the gross dereliction of principle shown by the commons, and the corrupt sacrifice of their honor for the sake of a lawless domination: such measures, he said, were a part of that unhappy system which had been formed in the present reign, with a view to remodel the constitution as well as the government. As the commons had slavishly obeyed the commands of his majesty's servants, and proved thereby that ministers held a corrupt influence in parliament; it became necessary for the lords to step forward, and oppose themselves to the justly incensed people on the one hand, and to the malignant conduct of ministers on the other: their lordships were the constitutional barrier between the extremes of liberty and prerogative.

At midnight, a motion for the speaker[15] to resume the chair, and put an end to this discussion in committee, was carried by a majority of ninety-seven to forty-seven. Lord Marchmont immediately moved, 'that any resolution of the lords, directly or indirectly impeaching a judgment of the lower house, where its jurisdiction is competent and final, would violate a constitutional right of the commons, and tend to make a breach between the two houses of parliament.'

This motion was supported strongly by lord Mansfield and lord Egmont; the latter of whom declared that the people had no right to present such petitions as had lately been offered to the king, which in fact were treasonable.

Lord Chatham, after ironically thanking the noble lord for allowing the petitioners to retain their heads a day longer, not only defended the petitions as praiseworthy and constitutional, but also the right of the house of lords to interfere, where either an invasion of the people's liberty was attempted, or an unconstitutional determination made; and the case of the Middlesex electors was one which called for interference on both these accounts: he conjured their lordships, by the struggles of their ancestors in the cause of freedom, not to behold with indifference so alarming a transaction; and in pressing for an adjournment of only two days, he added,—'if the constitution must be wounded, let it not receive its mortal

[15] Lord Mansfield had been appointed to this office while the great seal was in commission.

stab at this dark and midnight hour.' At two o'clock however the question was carried in the affirmative: protests were entered against both decisions, the first signed by forty-two, the second by forty peers.

Similar discussions were attended with similar results in the lower house; but the exertions of opposition were supported by a large majority of the liverymen of London. At a common-hall on the sixth of March, which was attended by about 3000, the lord mayor spoke in strong terms respecting the violated freedom of election, and other popular topics; after which, a prepared paper, entitled 'an Address, Remonstrance, and Petition to the King,' was produced for signatures, and received with shouts of applause: it expressed strong indignation against that secret and malign influence, which, under a series of administrations, had defeated every good, and suggested every bad measure: it affirmed that the house of commons had done a deed more ruinous in its consequences than the levying of ship money by Charles I., or the dispensing power assumed by James II.; a deed, which must vitiate all the proceedings of this parliament, which cannot be valid without a legal house of commons: and it concluded with beseeching his majesty to dissolve the present parliament, and to dismiss from his councils those evil ministers who had violated its free constitution. No one can deny that the king, in his answer, rightly pronounced the contents of this remonstrance 'to be disrespectful to himself, injurious to parliament, and irreconcilable to the principles of the constitution:' but the factious spirit of the people had some excuse in the folly of the government. A petition, or remonstrance, similar in its language, was sent from the city of Westminster; and the example was followed by the county of Middlesex, at the instigation of the Rev. John Horne, who had taken a very active part, during the late elections, in favor of the popular idol.

On the twelfth of April, the term of Wilkes's imprisonment being ended, he was discharged from confinement; when he published an address to his electors, accusing ministers of tyranny, and declaring himself ready to die in the cause of liberty. The exertions of lord Chatham during this turbulent session were vigorous and unintermitted: on the first of May he brought forward a bill, for reversing the adjudications of the house of commons respecting the claims of Wilkes to serve in the present parliament; in descanting on which, he declared, that a violent outrage had been committed against

every thing dear and sacred to Englishmen. 'I am afraid,' he concluded, 'this measure originated too near the throne: but I hope his majesty will soon open his eyes, and see it in all its deformity.' He was opposed by lord Mansfield, who observed, with regard to Mr. Wilkes's majority on the poll, that he was nobody in the eye of the law, and therefore colonel Luttrell had in fact no opponent: that in contested elections, application for redress of grievances is never made to the electors, or to the people at large; but to the house of commons, who are the sole judges, without appeal. Lord Camden considered these opinions as pregnant with unconstitutional doctrine: he thought the decision of the house was arbitrary and dictatorial; the effect of that secret influence, which was to be obeyed though it tore up the heart-strings of the constitution: the question ought to be taken in a larger sense, not as candidate against candidate, but as the electors of Middlesex against the assumed power of the commons. 'In the case of ship money,' said his lordship, 'the people justly joined in the cry, and it ceased to be a question between Mr. Hambden and the king: it was the people of England against venal and oppressive ministers. Should this bill be rejected, he trusted in the good sense and spirit of the people to renew their claims to a free and full representation in parliament, as 'an inherent and unalienable right.' It was rejected by eighty-nine against forty-three: a protest was signed by thirty-three peers; and before the house adjourned, lord Chatham desired their lordships might be summoned for the fourth of May; 'for,' said he, 'I have a motion of great importance to make relative to the king.'

Accordingly, on the day appointed, his lordship moved, 'that it is the opinion of this house, that the advice inducing his majesty's answer to the late address of the city of London, is of a most dangerous tendency; inasmuch as the exercise of the dearest rights of the subject has been checked and reprimanded by an answer so harsh, as to have no precedent in the history of this country; and such as the Stuarts had never dared to venture on at the zenith of their power.' In the course of his speech on this motion, his lordship strove to regain his popularity in the city by unbounded adulation; but it is scarcely necessary to add that he was defeated by a vast majority; and the address itself gave birth to a resolution of the house of commons, that 'to deny the legality of the present parliament, or to assert that its acts were invalid, was unwarrantable, and tended to destroy the allegiance of his ma-

jesty's subjects:' also a joint address from both houses was presented to the king, thanking him for his conduct on the occasion alluded to.

Lord Chatham, not deterred by his late failures, moved, on the fourteenth of May, for an address to dissolve the parliament: he brought forward the discontents in England, Ireland, and America; and showed, from the situation of public affairs, the great necessity of a house of commons in which the people might have confidence. Speaking of the mode of reforming that assembly, he said;—'instead of depriving a county of its representatives, one or more members ought to be added to its representation, in order to counterbalance the weight of corrupt and venal boroughs:' the house however would not on this occasion listen to his arguments; but raising the cry of 'question, question,' put a rude negative on the motion. If it was any satisfaction to him to obtain applause from the populace, and to receive a vote of thanks from the city of London, he enjoyed that gratification; but it must have been followed by bitter reflections that he was tarnishing the lustre of his character, and giving occasion to many, whose opinions he could not despise, to think with lord Barrington, 'that his conduct had cancelled many of the obligations which the country owed him for his services in administration.' [16]

Early in this session a bill was proposed by Mr. Dowdeswell, to disqualify certain inferior officers of the revenue from voting for members of parliament, their principals being disqualified from sitting in the house: both classes, it was said, were under the influence of the crown, and departments of the revenue were become so numerous as to render that influence inconsistent with a free representation. The motion however was rejected, as unfair in its attempt to deprive many individuals of the rights of British subjects, on the presumption of a dependence and corruption which were not proved: but an act was passed for altering the law of privilege, so far as it extended to the effects and domestics of the members of either house: lord Mansfield, who supported this motion, was accused of a desire to gain popularity; but he defended himself with great spirit. An inquiry into the accounts of the civil list during the year 1769 was a popular subject in both houses; the expenses having greatly increased, and it being inferred that the money was employed in the corruption

[16] Ellis's Original Letters, second series, vol. iv. p. 528.

of electors. It was answered, that the civil list being intirely the revenue of the crown, the crown had a right to expend it according to its pleasure: if an additional grant had been asked, then the expenditure might have been investigated, for the purpose of ascertaining the necessity of that grant: on these grounds the motion was negatived; and some other attempts to interfere with the management of the king's revenue met with a similar fate.

A measure of much greater importance was Mr. G. Grenville's bill for regulating the proceedings of the house of commons on controverted elections: these were formerly brought before a committee of the house, not bound by oath; by which means public business was greatly impeded; whilst among so many judges, party feelings and personal interests were often found to bias their decisions. Mr. Grenville therefore proposed a plan analogous to the trial by jury: before a contest could be tried, 100 members must be present: the names of all were to be put into six boxes, and drawn out till they amounted to forty-nine; of these the two litigants were alternately to strike off one, till they were reduced to thirteen, who, with the two nominees, were to be sworn a select committee, invested with power to examine records, papers, and witnesses, and to determine conclusively on the case. This bill was strongly opposed in the commons during all its stages; and at the third reading its rejection was moved by Mr. Wellbore Ellis, who was seconded by Charles Fox, at this time a strenuous advocate of regal prerogative and ministerial influence: but though lord North and several members of administration supported the opposition, it passed into a law, and is considered to have had a very beneficial effect on the legislature. American affairs began early in the session to occupy the attention of parliament, in consequence of a petition presented from the British merchants trading to that continent, stating the immense losses which they had sustained by the non-importation of their goods, and praying for the intervention of the legislature. On the fifth of March, lord North proposed a bill to repeal the revenue act of 1767, excepting only that part of it which imposed a duty on tea: he expressed a strong disapprobation of the act in question; but censured it only as an inexpedient or unproductive impost, not as an illegal or impolitic claim: 'the articles taxed,' he said, 'being chiefly of British manufacture, ought to have been encouraged, not burdened with payments.' The duty on tea was continued, to maintain the right; and it could not be

supposed that an impost of three pence per pound, on an article from which one shilling per pound was deducted when exported to America, would offend the colonists, unless they had determined to rebel. The minister however took a wrong view of the matter: experience might have taught him that the objection was not to the amount, but to the claim; and that no temporising expedients, or half measures, would be of any avail.

Governor Pownal, dissatisfied with the proposal of a partial repeal, moved, as an amendment, that it should extend to all the duties; and supported his opinion by many arguments of political expediency and of abstract right; but the language of the minister in reply was far removed from conciliation:—'Has our lenity,' said he, 'with regard to the stamp act, taught the Americans obedience, or inspired them with moderation? can it be proper, while they deny our legal right to tax them, to acquiesce in the argument of illegality, and by the repeal of the whole law to give up that power? No: the properest time to exact our right of taxation is when the right is refused: to temporise is to yield; and the authority of the mother country, if it be now unsupported, will in reality be relinquished for ever: a total repeal cannot be thought of, till America shall be prostrate at our feet.' It was said by the members of opposition, 'that if the assertion of an abstract claim of right be so important, a positive law was already in existence declaratory of that right; a law in which America silently acquiesced, though any attempt to put it into practice would infallibly produce civil discord and tumult.'

Governor Pownal acknowleged, that even a total repeal of the duties in question would not restore satisfaction to the colonists:—'Will it remove the apprehensions excited by your resolutions and address of last year, for bringing to trial in England persons accused of treason in America? I answer, no: so long as they are left in doubt whether the habeas corpus act, the bill of rights, and the common law of England have any effect in America, they cannot be satisfied. At this moment they know not whether the civil constitution be not superseded by a military force. The Americans think that they have, in return for all their applications, experienced an unfriendly disposition; that the exercise of the common rights of freemen has been denied to them: with these views, they will never again solicit the favor of this house, nor bring their grievances under its notice: deeply as they feel, they will bear them with a determined and alarming silence. For their liberty

they are under no apprehension: it was first planted under the constitution; it has grown up unto a florishing tree; and should any severe strokes be aimed at its branches, and fate reduce it to its bare stock, it will only take deeper root, and spring out again more hardy and durable than before: they trust to Providence, and wait the result with firmness and fortitude.' All arguments however and predictions were ineffectual: the rejection of this amendment was necessary to lord North for the retention of his place: the whole phalanx of the king's friends and courtiers was brought up to support him; and the act passed according to the minister's first proposal. 'It might be considered,' says Dr. Bisset,[17] 'as an omen of lord North's administration; at least, so far as a display of character justifies predictions respecting future conduct and its results. Discerning men saw meritorious and ready ingenuity, without the accompaniment of that enlarged political wisdom, firmness, and decision of mind, which only when united can constitute a beneficial statesman.'

On the ninth of April a proposal was made by alderman Trecothick to introduce a bill for repealing the duty on tea; but this was rejected, on the ground of his attempt to carry by a bill what had been already negatived in an amendment; which was contradictory to a known rule of the house.

The opposition however soon had an opportunity of renewing with greater vehemence its debates on the subject of America, in consequence of an alarming riot which had taken place in Boston on the very day when lord North's pacificatory resolution was passed. Toward the end of last year, most of the British troops in that city having been removed to other quarters, the rest were subjected to constant insults from the inhabitants, and interruptions in their duty. In the evening of the fifth of March a quarrel arose between two or three young men and as many soldiers, near the barracks: violent language produced blows; and the soldiers, being victorious, pursued their opponents through the streets: immediately the inhabitants joined in the affray, armed with clubs and other weapons; alarm bells were rung; and an immense mob assembled round the custom-house, threatening the life of the sentinel at that station. On the report of these proceedings, captain Preston, the officer on guard, sent a detachment to protect both the man and the place; but the mob, becoming very violent, attacked the soldiers with clubs and missiles:

[17] History of the Reign of George III. vol. ii. p. 60.

the British officer kept his men as long as possible from firing; but the tumult increasing, and the multitude pressing on the soldiers, and beating off their presented muskets with clubs, a confused noise of 'fire' was heard; when several pieces were discharged, three or four persons were killed, and about twice that number wounded. The drums now beat every where to arms, and the townsmen assembled to the amount of several thousands; but at length lieutenant-governor Hutchinson, arriving at the scene of tumult, persuaded the populace to disperse, with an assurance of legal redress. Having called together the council, by their advice he removed the military to Castle-William: captain Preston surrendered himself for trial; and some of his men were taken into custody, as having acted without the sanction of a civil magistrate. All possible means were subsequently taken to incense the people against the accused, by inflammatory publications, and by parading dead bodies through the streets, as victims of military execution: but the trials were fortunately deferred for a few months, till the ferment abated; when the captain was honorably acquitted, and two soldiers only were convicted of manslaughter.

News of this tumult arrived in England before the rising of parliament; but hopes being entertained of the conciliatory effect of the late bill, it was thought proper to abstain from any investigation, which might again light up the flame of discord; and on the nineteenth of May the session terminated. The supplies voted for this year were £7,455,042.

With regard to America, the assembly of Massachussetts was chiefly engaged in remonstrances with the lieutenant-governor about the removal of the seat of legislature from Boston; owing to which disputes, it was several times prorogued, and a great accumulation of business ensued: the contest was carried on with great zeal on both sides, displaying the peculiar spirit and feelings of the time, and involving incidental discussions of principles which were then of great importance. The house was very obstinate in this question, because they viewed the removal as one of the measures for compelling them to comply with demands which they were determined to resist.

In England the contest of the city of London with the court was carried on with equal acrimony and pertinacity. On the twenty-third of May, another deputation, headed by the lord mayor, attended at St. James's, to remonstrate with his majesty on the tenor of his former answer, which they declared to be, as well as the general acts of government,

'against the clearest principles of the constitution, and the result of insidious attempts made by evil counsellors, to perplex, confound, and shake the rights of the people:' the address concluded with a renewed demand for the dissolution of parliament and the removal of his majesty's ministers. The king's reply was firm and dignified:—'He should have been wanting to the public as well as to himself, if he had not expressed his dissatisfaction at the late address: his sentiments on that subject continued the same; and he should ill deserve to be considered as the father of his people, if he should suffer himself to make such a use of his prerogative, as he could not but think inconsistent with the interest and dangerous to the constitution of the kingdom.' As it was naturally anticipated that a deputation which approached with insults, would be sent back with disgrace, an additional remonstrance had been prepared in the shape of a reply. To the astonishment of the court, Beckford, instead of retiring with the usual etiquette from the presence of the sovereign, approached the king, and delivered the following extraordinary harangue:—'Most gracious sovereign,—Will your majesty be pleased so far to condescend, as to permit the mayor of your loyal city of London to declare in your royal presence, in behalf of his fellow-citizens, how much the bare apprehension of your majesty's displeasure would at all times affect their minds: the declaration of that displeasure has already filled them with inexpressible anxiety and with the deepest affliction. Permit me to assure your majesty, that your majesty has not, in all your dominions, any subjects more faithful, more dutiful, or more ready to sacrifice their lives and fortunes in the maintenance of the true honor and dignity of your crown: we do therefore, with the greatest humility and submission, most earnestly supplicate your majesty, that you will not dismiss us from your presence, without expressing a more favorable opinion of your faithful citizens, and without some comfort, at least some prospect of redress.' So far this affectation of loyalty was simply a request that his majesty would recall his own expressions: the more open and studied insult lay behind. 'Permit me, sire,' added the civic censor, 'to observe, that whoever has already dared, or shall hereafter endeavor by false insinuations and suggestions, to alienate your majesty's affections from your loyal subjects in general, and from the city of London in particular, is an enemy to your majesty's person and family, a violator of the public peace, and a betrayer of our happy constitution, as it was established

at the glorious revolution.' To this expostulation the speaker seemed to expect an answer; but none was given, and the corporation withdrew.

The birth of the princess Elizabeth occasioned the city to present a congratulatory address about a week after, and a deputation proceeded for that purpose to St. James's: but when the chief magistrate and only three of the aldermen had passed through Temple Bar, the populace shut the gates against Mr. Harley, whom they not only pelted with mud, but pulled out of his carriage; and it was with difficulty that he escaped into the Sun tavern. Whilst the deputation waited in the antechamber, the lord chamberlain came out, and read a paper to the following purport:—'As your lordship thought fit to speak to the king after his answer to the late remonstrance, I am to acquaint you with his majesty's request, that nothing so unusual may happen for the future.' The lord mayor then desired that the paper might be handed to him, but this was refused: he then asked for a copy; to which the lord chamberlain replied, that he would acquaint his majesty, and take his directions; but he did not return till the order was brought for the court to attend with the address. When the king entered, this was presented in the usual form; and his majesty observed in his answer, 'that the city of London, entertaining such loyal sentiments, might always feel assured of his protection.'

Public clamor was still farther excited during the summer, by a prosecution of Woodfall, the printer and publisher of Junius's letter to the king: but this, like many other turbulent commotions in the present reign, served only to advance the development of liberty, and the establishment of constitutional rights: the storms of popular violence and political dissension swept away the remaining traces of ancient despotism; whilst the constitution itself was found to be so nicely balanced through the wisdom of our ancestors, that although at times it reeled to and fro by these violent concussions, no power was able to push it from its centre.

But the remarkable trial above alluded to demands more than a cursory notice, not only for the high characters which it involved and the animated discussions which it elicited; but for the great amendment to which it led in the law of libel, by which the jury obtained a right to judge of the law as well as of the fact, of the intention as well as the letter.

The cause came on soon after nine o'clock in the morning at Guildhall, before lord Mansfield and a special jury: of these

latter only seven attended; and five talesmen were therefore taken out of the box. The publication and direction of the paper in which the libel appeared was then briefly proved against the defendant, whose counsel in his defence took objections to some of the inuendoes, but principally endeavored to convince the jury of the innocent nature of the paper in question: he also attempted to show that some of the epithets in the information did not apply to the defendant's intention. Lord Mansfield, in his charge to the jury, said, 'there were only two points for their consideration: the printing and publishing of the paper, which was acknowleged; and the sense and meaning of it: that as to the charges of its malice, sedition, &c. these were inferences in law, about which no evidence need be given, any more than that part of an indictment need be proved which charges a man with being moved by the instigation of the devil: therefore the printing and sense of the paper were alone what the jury had to consider; and if the paper should really contain no breach of the law, that was a matter which might afterwards be moved in arrest of judgment:[18] that as to the sense, they had not called in doubt the manner in which the dashes in the paper were filled up in the record, by giving any other sense to the passages; if they had, it would have been for the jury to consider which application was the true one, that charged in the information, or suggested by the defendant: that the jury might now compare the paper with the information: if they did not find the application wrong, they must find the defendant guilty; if they did find it wrong, they must acquit him.' Thus we are told, says Junius, that judge and jury have a distinct office;—that the jury is to find the fact, and the judge to deliver the law: *de jure respondent judices, de facto jurati.* The *dictum* is true, though not in the sense given to it by lord Mansfield. The jury are undoubtedly to determine

[18] On this Junius observes:—'True, my good lord; but who is to determine on the motion? Is not the court still to decide whether judgment shall be entered up or not? and is not the defendant this way as effectually deprived of judgment by his peers, as if he were tried in a court of civil law, or in the chambers of the inquisition? It is you, my lord, who then try the crime, not the jury. As to the probable effect of a motion in arrest of judgment, I shall only observe, that no reasonable man would be so eager to possess himself of the power of inflicting punishment if he were not predetermined to make use of it.'—Preface to Woodfall's Junius, p. 36.

the fact, that is, whether the defendant did or did not commit the crime charged against him: the judge pronounces the sentence annexed by law to that fact so found; and if, in the course of the trial, any question of law arises, both the counsel and the jury must of necessity appeal to the judge, and leave it to his decision. An exception or plea in bar may be allowed by the court; but when issue is joined, and the jury have received their charge, it is not possible, in the nature of things, for them to separate the law from the fact, unless they return a special verdict.

Between eleven and twelve o'clock the jury withdrew: at four the court adjourned; and a little after nine, the jury waited on the lord chief justice, at his house in Bloomsbury-square, with the following verdict: 'Guilty of printing and publishing only.' On this, two motions were made in court; one by the defendant's counsel in arrest of judgment, grounded on the ambiguity of the verdict; the other by the counsel for the crown, for a rule on the defendant, to show cause why the verdict should not be entered up according to the legal import of the words. On both motions a rule was granted.

When the matter came to be argued in the court of king's bench, lord Mansfield went regularly through the whole evidence, as well as his own charge to the jury. In considering the two rules, he began with the latter, because that might decide the former. After recapitulating the defence on the trial, his lordship made the following, among other observations:—'I directed the jury, that if they believed the inuendoes, as to persons and things, to have been properly filled up in the information, and to be the true meaning of the paper, and if they gave credit to the witnesses, they must find the defendant guilty. If the jury were obliged to determine whether the paper was in law a libel or not; or to judge whether it was criminal, or to what degree; or if they were to require proofs of a criminal intention,—then this direction was wrong. I told them, as I have always done before, that whether a libel or not, was a mere question of law arising out of the record, and that all the epithets inserted in the information were formal inferences of law. A general verdict of the jury finds only what the law implies from the fact; for that is scarcely possible to be produced: the law implies, from the fact of publication, a criminal intent.' After some remarks on the court's refusal to receive the proffered affidavit of one of the jury explaining his meaning with regard to the verdict, his lordship thus proceeded:—'The motion of the attorney-general divides itself

into two parts; first, to fill up the finding of the jury with the usual words of reference, so as to connect the verdict with the information: the omission of these words, we are of opinion, is a technical mistake of the clerk, and may be now supplied. The second head of the argument, is to omit the word 'only' in the entry of the verdict: this we are all of opinion cannot be done: the word 'only' must stand in the verdict: if this word was omitted, the verdict would then be, 'guilty of printing and publishing,' which is a general verdict of guilty; for there is no other charge in the information but printing and publishing, and that alone the jury had to inquire.' 'We are all of opinion, that my direction to the jury is right, and according to law; the positions contained in it never were doubted; it never has been, nor is it now complained of in this court. There clearly can be no judgment of acquittal, because the fact found by the jury is the only question they had to try: the single doubt that remains, is concerning the meaning of the word 'only.'' This perplexing little word determined the court to grant a new trial: but when it came on, the attorney-general observed to the chief justice, that he had not the original newspaper by which he could prove the publication. 'That is not my fault, Mr. Attorney,' was his lordship's laconic reply: and thus terminated the second trial. The fact is,[19] that the foreman of the jury on the first, had pocketed the paper, when it was handed to the jury-box for inspection, and had afterwards destroyed it.

As the sentiments promulgated by lord Mansfield on the law of libel had created much discussion, and encountered no small degree of obloquy, he determined to place his sentiments at least out of the power of misrepresentation; for which purpose, having demanded a call of the house of lords for the eleventh of December, he laid on the table a paper drawn up with great care and precision, containing the unanimous opinion of the court of king's bench in Woodfall's case. To lord Camden's inquiry, if this document was to be entered on the journals of the house, a reply was given in the negative: it was merely intended for the information of the members. Next day, lord Camden, considering the paper as a challenge to himself, endeavored to provoke a discussion, by addressing six queries to the chief justice, of which the fourth may be taken as a specimen:—'Is it meant, that, if the judge, after giving his opinion of the innocence or criminality of a paper, should

[19] Woodfall's Junius, vol. ii. p. 63. note.

leave the consideration of that matter, together with the printing and publishing, to the jury, such a direction would be contrary to law?' Lord Mansfield's object, however, was not to argue this point, but rather to show that the course he had taken was agreeable to long usage, and sanctioned by authority: he therefore took shelter in a dignified silence, after declaring that he would not answer interrogations.

The subject was introduced into the house of commons early in December, on a motion of Mr. serjeant Glynn, for a committee to inquire, amongst other things, 'into the constitutional power and duty of juries.' The principal speakers on this occasion were Fox on the side of ministers, and Burke on the side of the people: the former of these orators indignantly opposed the motion, because it was said, 'the people complained of the perversion of law;' and laid himself open to the following animadversions from his spirited antagonist:—'That there should be found gentlemen who would annihilate the people, and acknowlege no other voice than that of this house, is to me not at all surprising, because the conduct of the most violent sticklers for this doctrine has not deserved much applause or favor from them: but that they should have renounced reason and common sense so far as to maintain that the majority of this assembly is the only organ by which their sentiments can be expressed, is to me truly surprising: for where, in the name of wonder, should the house acquire the necessary knowlege or intelligence? Is it by turning over these musty volumes, or by rummaging these gaudy boxes which lie on your table? no; they contain none of these mysteries. How then are they to be explored? Is there any virtue or inspiration in these benches or cushions, by which they are to be communicated; or does the echo of these walls whisper the secret in your ears? no; but the echo of every other wall, the murmur of every stream, the shouts, ay, the hoots and hisses of every street in the nation, ring it in your ears and deafen you with their din. The people have a voice of their own, and it must, it will be sooner or later heard; and I, as in duty bound, will always exert every nerve and every power of which I am master to hasten the completion of so desirable an event.' It is an old observation, that the same person in office and out of office seems to have a different pair of eyes. The declaratory act, brought forward some years after, and carried through the legislature by Mr. Fox, would have been alone sufficient to immortalise his memory: this completely settled

the point in dispute, and gave to a British jury the power of judging on the law in the case of libel.

The principal design of the family compact being to reduce the power of England, the present seemed a favorable opportunity, when her navy, which had been much neglected under the administration of lord Hawke, would find it difficult to defend her distant possessions: it was therefore agreed, that France and Spain should assail her at the same time in distant parts of the globe; but the indolent habits of Louis XV. and the declining influence of Choiseul, prevented that minister from carrying his part of the project into execution; though he entertained hopes, when hostilities should commence, of inducing the French king to take up arms in support of his ally.[20]

Spain struck a blow this summer, by forcibly expelling the English from a settlement on one of Falkland's islands, in the Pacific Ocean. It had been remarked by lord Anson, in his celebrated voyage, that the possession of a port to the southward of Brazil would be serviceable to future navigators, who might there refit their ships, and provide them with necessaries previous to their passage through the straits of Magellan, or the attempt to double Cape Horn; the same would also be very advantageous to the country in case of a Spanish war; and these islands were specified by him as well adapted to the purpose. On his lordship's advancement to the head of the admiralty, it was intended to form a settlement there; but the plan was relinquished at the instance of the court of Madrid. In January, 1765, commodore Byron took formal possession of them; and by extolling the advantages of their situation, induced the government to erect a fort near a commodious harbor, to which the name of Port Egmont was given. Spain, alarmed at what she considered an encroachment on her dominion, which would give great facilities to an attack on her territories in the South Sea, made urgent remonstrances, but without effect: such however was her dread of the power of England, and so fresh was the recollection of her own losses, that she felt obliged, indignant as she was, to submit to the aggression: but at length the domestic distractions of Great Britain, her tame acquiescence in the transfer of Corsica to France, and the encouragement of the French minister Choiseul, emboldened the Spanish court to revive its pretensions to the islands in question, and even to take

[20] Adolphus's private information, History, vol. i. p. 404.

vigorous measures for enforcing the claim. An armament, consisting of several ships of war and their attendant vessels, provided with apparatus for a siege, sailed from Buenos Ayres, and appeared suddenly before Port Egmont; when captain Farmer, the British commandant, knowing that the place was not tenable, submitted after a few shots to terms of capitulation: the Spanish commodore however, not caring that very early intelligence of this outrage should be carried to England, enjoined captain Farmer not to sail without his permission; and in order to ensure compliance, he unshipped the rudder of his vessel, and kept it on shore twenty days; an insult to the British flag not to be endured.

No sooner were these proceedings known in England than all ranks appeared to be inflamed with resentment, and eager to avenge the national honor so grossly violated. At the meeting of parliament in the ensuing month of November, the king assured both houses, 'that should satisfaction be refused by the court of Spain for this injury, preparations had been, and were still making, to do ourselves justice.' It was however thought right to avert war, if possible, by negociations; and Spain was ultimately induced to disavow the enterprise of the governor of Buenos Ayres, and to restore the island: but it was either stipulated or understood, that the settlement should after a time be abandoned by the English. This arrangement of the dispute was considered not very creditable to the spirit of British diplomatists: the ponderous talents of Dr. Johnson were therefore enlisted in the cause; who wrote a pamphlet to depreciate the value of the possession, to place the claims of Spain in as fair a light as possible, and to vindicate the conduct of the British ministry.[1] Junius was the principal writer on the opposite side, who reprobated the transaction severely, as 'wounding the honor of the king and the glory of the kingdom:' he consequently fell under the lash of the great moralist, who, in one of his mildest increpations, declared that the 'cits of London and the boors of Middlesex admired Junius for virtues like their own; for contempt of order and violence of outrage, for rage of defamation and audacity of falsehood.' But whether it was through respect for the doc-

[1] 'Whether the ministry might not equitably have demanded more,' says the doctor, 'is not worth a question. The utmost exertion of right is always invidious; and where claims are not easily determinable, is always dangerous.'

tor's character, or contempt for his political abilities and knowlege, Junius never condescended to notice the attack.

Few events of domestic interest occurred this year. On the twenty-first of June the death of Beckford liberated the sovereign and his ministers from a daring adversary, and deprived lord Chatham of a stanch supporter. Before the popular excitement had time to abate, a splendid monument was voted to his memory in Guildhall, on which the celebrated 'Reply' was engraven: the authorship however was not long left to decorate his memory, being claimed by the Rev. Mr. Horne, whose mortification was extreme, when he found that his talents had procured a statue for another, which he would rather have seen erected to himself. The struggles of this demagogue and Wilkes for notoriety had been violent and incessant; popular commotions had corresponded to their efforts; and they had begun to think that their opinions had an influence on cabinets and kingdoms; when the sudden dissolution of the Grafton administration, and the establishment of lord North's ministry, seemed all at once to annihilate their hopes. The Rockingham and Shelburne parties had been successively panegyrised by them, under an idea that the one or the other must necessarily be selected for office: but when a ministry unconnected with either, and looking principally to the throne as the foundation of its stability, started up before their eyes, the adoption of a new plan became requisite to embarrass government and give the law to ministers: a political club therefore was the expedient resorted to; and 'The Society for supporting the Bill of Rights' was formed this year at the London tavern, numbering amongst its constituents, Wilkes and Horne, sergeant Glynn, Sir Francis Blake Delaval, with aldermen Sawbridge and Oliver, members for the city. The character of the association may be collected from its list of resolutions, of which the following are a specimen:—'You shall consent to no supplies without a previous redress of grievances—You shall endeavor to restore annual parliaments—You shall promote a bill rendering every pensioner and placeman under the crown ineligible as a representative of the people—You shall impeach the ministers who advised the violation of the rights of the freeholders in the Middlesex election, and the military murders in St. George's fields—You shall endeavor to restore to America the essential rights of taxation through her representatives,' &c.

Ridiculous as this assumption of authority may appear, its

effects were for a time sensibly felt, in an increased tendency among the populace to defy the laws; whilst every publication that provoked the prosecution of government was sustained by the pecuniary assistance of the club, and encouraged in future aggressions: but a crisis soon arrived, when funds which had been collected to support the rights of man, were turned into the channel of Mr. Wilkes's supplies: the payment of this patriot's debts, and the purchase of an annuity for his future luxuries, was too gross an imposition even for 'the boors of Middlesex:' the surprise of the subscribers was followed by murmurs and disgust, when Horne, who had cordially hated Wilkes from the very commencement of their union, took this opportunity to break off his old connexion, to denounce the association as an aldermanic tool, and to set up for himself, with a new club, under a new name, 'the Constitutional Society:' from this assembly every person connected with Wilkes was rigorously excluded. A furious newspaper correspondence then ensued between the two irritated champions, who assailed each other with charges and recriminations of the most virulent nature, and exposed each other's disgraceful transactions in all their naked deformity. Wilkes however still continued the idol of the mob, as he possessed all the virtues which can qualify a man to be its leader: Horne, having released himself from servile dependence, and the mortification of assisting in the triumphs of a detested rival, now started forward alone in the career of patriotism, to seek for popularity amidst the anxieties of perpetual persecution, to live in the protracted miseries of imprisonment, and to die a dependent on the bounty of friends.

A war of great importance to the interests of Europe had been for some time raging between Russia and Turkey: the successes of the former power created considerable alarm to the cabinets of Berlin and Vienna, and occasioned in August, 1769, an interview at Neiss, between Frederic and the emperor Joseph I., which seemed likely to remove the enmity that had so long divided their houses. Turkey had been for successive ages on amicable terms with France, by whom she was excited to this war: the British government and nation inclined to Russia, attracted by commercial even more than political interests. In this year Catharine made a grand effort to put into execution her long-cherished designs of dismembering the Turkish empire, and seizing on its spoils. Her fleet, under count Orloff, sailed into the Mediterranean about the end of February; took Missitra, and called the Greeks of

the Morea to arms: that unfortunate people readily obeyed the summons; but the pacha of Bornia entered the country with 30,000 troops; and the hopes of Greece were crushed at Modon. The Russian fleet proceeded to the coast of Asia Minor; burned the Turkish navy at Tchesmé; and cutting off all communication between European Turkey and its fertile provinces in other quarters of the world, greatly distressed the capital, whilst the plague was committing unexampled ravages along its frontiers. In the mean time, the Russian armies met with such uninterrupted success under counts Romanzow and Panin, that all the Turkish dominions, from Poland to the Danube southward, and from Hungary to the Euxine eastward, fell into their possession.

Under the alarm which these events were calculated to excite, a second interview took place between Frederic and Joseph at Neustadt in Moravia; wherein the latter declared that neither his mother Maria Theresa, nor himself, would ever permit Catharine to retain Moldavia and Wallachia; and Frederic was earnestly pressed to join the house of Austria in resisting that torrent from the north which now threatened to overwhelm the continent. The king artfully evaded this overture, being desirous of preserving his amity and alliance with Catharine; but he tendered his assistance to conciliate the courts of Petersburg and Vienna, offering to exert his interest, which was very great, with the Ottoman Porte, to induce that power to accept of the Austrian mediation. Indeed, before they separated, a message arrived from Constantinople, requesting the joint mediation of Austria and Prussia, and declaring the resolution of the Porte to receive no proposals which were not made through their intervention: this was gladly accepted; and the rival houses of Austria and Brandenburg seemed cordially united in their views and interests.

At this interview, says Mr. Coxe,[2] Frederic held forth the partition of Poland as a bait to the Austrian court; and represented the policy of persuading or compelling Russia to concur in the dismemberment, instead of retaining Moldavia and Wallachia: the map of Poland was laid before the two sovereigns, by whom the respective portions were adjusted, and the plan of operations arranged.[3] A negociation commenced;

[2] Coxe's House of Austria, vol. iii. p. 499.

[3] 'I have little hesitation,' says the same author, 'in asserting that the plan of this partition originated with the king of

but from the jarring interests and views, both of the principal and the mediating powers, it did not produce a peace. France, accustomed to take so active a share in European contests, was more than ever engaged in disputes between the king and the parliaments; whilst the authority of Choiseul, the only man able to support the diplomatic interests of the kingdom, was failing through the intrigues of the ducs de Richelieu and d'Aiguillon, who made use of the infamous Madame du Barry to procure his downfall. It was to counteract this pernicious influence, that Choiseul so eagerly sought to draw closer the bonds of union with Austria, by the marriage of the young dauphin, afterwards Louis XVI., with Marie Antoinette, a daughter of the empress. This ill-fated wedding took place in May, and was attended with some melancholy events, which seemed to presage calamity: in the Rue Royale fifty persons were crushed to death by a tremendous crowd collected there to see the fireworks.

In September the assembly of Massachussetts again met. They found, by communications from England, that the conduct and state of the colony was likely to be submitted to the consideration of parliament in the approaching session; and they had reason to think that the inquiry would produce some diminution of their chartered privileges: it therefore became highly important to prepare instructions for their agent in London: another step which had been taken by the British government also tended to increase their alarm; this was the dismissal of the provincial forces from Castle-William, which fortress was now garrisoned by the royal troops. The province, in short, suspected, or rather perceived, that a set of measures were in train to reduce it to a complete state of dependence on Great Britain; whilst these forebodings were rendered still more gloomy by the prospect of affairs in the middle and southern colonies, where the irritation against the mother country seemed in a great degree to have subsided. Besides, owing to their disputes with the government, so great an accumulation of domestic business had taken place, that the consideration of it could be no longer delayed without mischief to the colony. The house therefore, after another ineffectual attempt to obtain a removal of the seat of government to Boston, proceeded to affairs of legislation, with a strong

Prussia: but so infamous was the transaction, that each of the three powers endeavored to fix the blame on the others.'

protest against their conduct being drawn into a precedent. Mr. Hutchinson was soon afterwards appointed governor of the province; but the subject of the assembly's removal continued to afford matter of dispute in the remonstrances of the house at the beginning of every session.

CHAP. XIII.

GEORGE III. (CONTINUED.)—1770.

Opening of parliament—King's speech—Supplies voted—Adjournment on account of the affairs of Spain—Parliament meets again—Satisfactory adjustment with Spain—Changes in the ministry—Great seal given to judge Bathurst—Hostility between the two houses of parliament from exclusion of strangers—Proceedings regarding the borough of Shoreham—Attempts made to carry popular motions in parliament, but fail—Proceedings leading to the publication of parliamentary debates—Triumph of Wilkes, &c.—Embankment of the river, and building of the Adelphi—Stability of ministers—Death of lord Halifax, and consequent changes—Plague at Moscow—Troubles in Poland—Attempt on the king—Approaching fate of the country—Affairs of Germany and Sweden—Contest between the king of France and the parliaments—Domestic affairs of England—Education of the heir apparent—Pursuits of the king—Meeting of parliament—Naval arrangements—Debates on the subject of subscription to the thirty-nine articles—*Nullum Tempus* bill regarding the church rejected—Royal marriage act—Bill to relieve dissenters from subscription rejected by the lords—Dr. Nowell's sermon—Motion for abolishing the anniversary of king Charles's martyrdom rejected—East Indian affairs—Lord Clive's conduct. A select committee formed—Custom of *peine forte et dure* abolished—Parliament rises—Amount of supplies and national debt—Misfortunes of the queen of Denmark—Death of the princess dowager—Revolution of Sweden—Partition of Poland—Alderman Townshend's action against the collector of the land-tax—Lord Hillsborough resigns—Succeeded by lord Dartmouth—Other changes—State of British commerce, &c.—Meeting of parliament—Affairs of the East India company—Adjournment of the house.

THE king opened parliament on the thirteenth of November, by a speech from the throne, informing the houses, that owing to an act of the governor of Buenos Ayres, in seizing by force one of his possessions, the honor of his crown and security of his people's rights were deeply affected: he then stated the measures hitherto pursued, and called on them for advice and assistance. The addresses of both houses contained a hearty approbation of the steps taken by his majesty, and assurances of their effectual support: supplies for the augmentation of the army and navy were cheerfully voted;

and the increase of the land-tax from three to four shillings in the pound was carried with no great opposition.

As suspicions of the sincerity of the Spanish government had greatly increased in the minds of the British ministers before Christmas, it was deemed advisable to adjourn parliament to the latter end of January, in order to allow time for the development of circumstances, and enable the cabinet to come to a decision on the grand question of peace or war. There is no doubt but that the king of Spain was willing to run the hazard of a contest on this occasion, or that he sent a proposal to his christian majesty, inviting his co-operation: but Madame du Barry's friends had by this time gained such an ascendency over Louis XV., as to procure the dismissal of his great war-minister Choiseul. Thus vanished every hope which the Spanish monarch might have entertained of assistance from France.

Lord North was now enabled to meet parliament with more confidence, having accomplished the object for which the recess had been so unusually protracted. When the commons assembled on the twenty-second, he informed them that the Spanish ambassador had that morning signed a declaration, with which his majesty was satisfied, and which should be laid before the house: similar information was imparted to the lords by the earl of Rochford, who had just succeeded lord Weymouth in the office of secretary of state for the southern department. The latter nobleman, it was understood, resigned his seals in consequence of his disapprobation of the Spanish negociations, as injurious to the honor of Great Britain: but the condition of eventual restitution not being publicly known, it afforded no ground of objection; and when the evacuation of the islands took place about three years afterwards, the circumstances of this prior transaction being almost forgotten, it passed off with slight animadversion.[4]

[4] On this subject Mr. Adolphus observes, 'that the island was, in consequence of the arrangement made, surrendered in the most honorable manner to the British forces in September, 1771: but as the nature and value of the possession was now thoroughly understood, it was in less than two years completely evacuated. This circumstance has led to an insinuation that the abandonment was stipulated by secret articles; but this was not the fact: the British forces left their flag flying, and large sheets of lead fixed up, with engraved inscriptions, proclaiming to all nations that Falkland's islands were the sole right and property of the king of Great Britain. It is true indeed that the intention of

When lord Rochford was removed to the southern department, his seals were given to the earl of Sandwich; but the latter being soon afterwards placed at the head of the admiralty in the room of Sir Edward Hawke, lord Halifax was made northern secretary, the privy seal being given to the earl of Suffolk: the great seal was now taken out of commission, and given to judge Bathurst, Mr. de Grey being appointed chief justice of the common pleas: some other changes took place about the same time; and several of the late Mr. Grenville's[5] friends were introduced into office, by which the ministry gained a considerable accession of talent. It was at this juncture that Mr. Thurlow was appointed attorney-general, and Mr. Wedderburne solicitor-general to the queen.

The proceedings of parliament this session afford but few subjects of general interest: before the recess a great animosity had been created between the lords and commons, which was begun by the former, who excluded all strangers from their debates, and extended this prohibition even to the commons, except when a deputation should come with a bill; and even they were allowed to remain no longer than was absolutely necessary: the commons retaliated; and a sullen hostility between the two houses subsisted during the session.

A select committee, appointed according to Mr. Grenville's bill, for determining a contested election for the borough of Shoreham, brought to light at this time a disgusting scene of corruption. Hugh Roberts, the returning officer, had declared a candidate duly elected, who had only thirty-seven votes in his favor, to the prejudice of a rival who had eighty-seven. In his defence before the committee he disclosed the following facts in exculpation of such apparent partiality. The majority of the freemen had formed themselves into a society, which they named 'a christian club;' assuming that appellation as an ostensible pretext for piety and charity, but in reality as a cover to their venality and corruption: some few charitable acts were occasionally performed to accredit their profession; but the money received from their representatives was distributed among these hypocritical confederates for their private advantage: utterly precluding all the other freemen from any

retaining this unimportant possession was renounced by Great Britain, and the Spanish minister was so apprised pending the negociation: but there was no secret article on the subject; nor was the place ever surrendered to Spain.'—Hist. of England, vol. i. p. 422. note.

[5] He died on the thirteenth of November, 1770.

beneficial exercise of their elective franchise, they bound themselves by a solemn oath to mutual fidelity; and added legal instruments, with large penalties, to secure their associates in this illegal engagement: they then without any remorse took the oaths against bribery and corruption, after having sold the borough to the highest bidder, by means of a secret committee, the members of which, under pretended scruples of conscience, declined to exercise their right of voting. The returning officer had himself belonged to this club; but having taken umbrage at some of their proceedings, he determined to thwart their future schemes. Being aware of their principles and practice, he ascertained that a large sum of money had been distributed among eighty-one of the majority: these therefore he considered as disqualified, and omitted them in his return: but his defence not appearing sufficient to exculpate him from the assumption of illegal authority, he was called to the bar of the house, and there reprimanded by the speaker. The facts of the case however being proved, a bill was brought in, and carried, by which eighty-one freemen of Shoreham were disfranchised; and the right of electing members for that borough was extended to all freeholders in the rape of Bramber, who held tenements of the annual value of forty shillings.

Several attempts were made by the opposition to introduce popular laws, and raise popular questions. The duke of Richmond moved the upper house to reverse its resolution of not impeaching, directly or indirectly, the judgment of the commons in the Middlesex election; lord Chatham moved for an address to the king, praying him to dissolve the parliament; and alderman Sawbridge, in the lower house, made a motion to shorten the duration of parliaments: all these efforts failed of success; but the alderman renewed his motion every session till his death.

The disposition which still prevailed to oppose the proceedings of the legislature, led at this time to a remarkable contest, by which the liberty of the press was much extended. Up to this period it had been held, that to publish the debates of either house of parliament was a breach of privilege; and though the publishers of newspapers had endeavored to evade the prohibition; yet the speeches of members had been given in a very garbled, unsatisfactory form, during the intervals of parliament; assigned to fictitious personages; sometimes even written for them by professed authors, and containing very few sentiments of the real speakers. The extent

however of the power of parliament to enforce this question of privilege had never been accurately determined; and in the present factious times the public prints were daily making inroads on it, particularly during the Middlesex elections, when the multitude looked forward to the debates with all that keen anxiety which popular passion and popular pride impart. Unluckily those debates were generally records of ministerial defeat, and deep offence was taken at their publication. Mr. Onslow, who had formerly been speaker of the house of commons, an honest man but a great formalist, was thunderstruck at a breach of decorum, which his distressed imagination represented as the destruction of all things to be venerated in our constitution; and his nephew, colonel G. Onslow, member for Surrey, was directed to bring the question to an issue, by moving, 'that it is an indignity to, and a breach of, the privileges of this house, for any person to presume to give, in written or printed newspapers, any account or minutes of the debates or other proceedings of the house:'—'that on discovery of the authors, printers, or publishers of any such written or printed newspapers, the house will proceed against them with the utmost severity.'

The motion was strongly opposed; it being asserted that the ministerial papers were as blamable as those on the side of opposition: it was also argued, that the privilege enjoyed by constituents of knowing what is said and done by their representatives, is founded on the true principles of the constitution; and that falsehood and misrepresentation ought to be punished in a different manner from that now proposed, which went to make the house of commons a secret tribunal: but the resolution was carried by a majority of ninety to fifty-five; and Thompson and Wheble, proprietors of two offending journals,[6] were ordered to attend at the bar of the house.

As these parties however were not forthcoming, and were constantly denied to the sergeant at arms, with insulting expressions, a royal proclamation, at the request of the house, was issued, offering a reward for their apprehension: in consequence, Mr. Wheble was taken up, and brought before the sitting alderman: this happened to be Wilkes himself, who had been advanced to that civic honor soon after his discharge from Newgate. On this occasion he not only discharged the apprehended person, but took recognisances for prosecuting the officers by whom he had been seized; contending that the

[6] The Gazetteer, and the Middlesex Journal.

proclamation did not charge him with any crime; whilst the rights of an Englishman, as well as the chartered privileges of the city, had been grossly violated by his apprehension: on the same plea, Thompson, the other publisher, was discharged by alderman Oliver. In the mean time, fearing that these delinquents might escape, colonel Onslow preferred a complaint against six other printers, who were ordered to attend at the bar of the house; one of whom, named Miller, a freeman of the city, refused to obey the summons: he was apprehended at his own residence; but having a constable in readiness, he charged him with the messenger of the house of commons, who was immediately carried to Guildhall to answer for the assault. Wilkes, the sitting alderman, having closed the business of the day, refused to take cognisance of the affair, and the parties were conducted to the Mansion-house; where, owing to the indisposition of Mr. Crosby, the lord mayor, they were detained from three to six o'clock in the evening, when they were admitted to the presence of the chief magistrate, who was attended by aldermen Wilkes and Oliver; Mr. Clementson, deputy sergeant at arms, being also present. By the above three magistrates Miller was discharged; Mr. Clementson's demand of him as a prisoner, and of the messenger's release, was treated with the utmost contempt; and the latter was about to be committed to prison by their warrant, when bail was given for his future appearance.

The relation of these transactions was received with great indignation by the house, who immediately issued orders for the lord mayor and alderman Oliver to attend in their places, and Mr. Wilkes at the bar. The two members obeyed the summons, boldly justified their conduct, and were committed to the Tower: Wilkes refused; stating as a reason, in his letter to the speaker, 'that he had not been summoned as a member;' and adding, 'that he was quite ready to attend in his place, to justify his treatment of an illegal proclamation.' Meantime, the city had not been remiss in taking up the cause of its magistrates: a court of common council passed a vote of thanks to them for their spirited assertion of their common privileges; a table was kept, at the public expense, for the two incarcerated members; and a committee appointed to assist them in their defence, with power to draw for money on the chamber of London. The populace also displayed great zeal in favor of persons whom they considered as suffering in their cause, accompanying them, with loud acclamations, when they went to the house of commons and when they returned.

On one of these occasions they grossly insulted Mr. Fox and several other obnoxious members; and the life of lord North was brought into imminent danger.

Over their own acknowleged members the house had an advantage; but with regard to Wilkes, the result ought to have been foreseen and avoided: any attempt to compel his appearance would have revived all the uproar of the election questions, and brought him forward, with tenfold powers of mischief, as the champion of the mob. An order of mere form was issued for his attendance a few days after: this was renewed, and the eighth of April fixed on: but the house, being exceedingly embarrassed and anxious to extricate themselves from the difficulty, were reduced to the miserable expedient of adjourning from the seventh to the ninth.

Whilst the ringleader thus escaped with splendid impunity, Crosby and Oliver remained in durance to the end of the session, though they had been carried by writs of habeas corpus before the courts of common pleas and exchequer, which declared themselves unable to reverse the proceedings of the house of commons: but they were more than repaid for their confinement by popular applause; whilst their release was celebrated with illuminations, processions, and other public rejoicings. From that period, the parliamentary debates, which are expected with such intense interest throughout the united kingdom, have been published without any disguise or obstruction; and this publicity, which seems properly to enter into the very essence of a representative assembly, is one of the best safeguards of the constitution, whilst it brings the opinions and acts of representatives under the cognisance of their constituents and the scrutiny of the public. Parliamentary privilege indeed still exists; and, though rarely exerted, is useful as a check to reporters, who are made responsible for careless or malicious misrepresentation.

Another occasion of contest between the city and the legislature arose from the introduction of a bill for enclosing and embanking a part of the river adjoining to Durham-yard, which was imputed to court favor acquired by two builders. The city, considering that an encroachment was about to be made on their rights of conservancy and property, were heard by counsel: they produced a grant by Henry VII. of all the soil and bed of the Thames from Staines-bridge to a spot near the Medway; and showed a lease granted by them of a nook of the river near Vauxhall, for which they had received rent during the last sixty-six years: on the other side, a charter of

Charles II. was produced, in which he had reserved the bed of the river; and it was argued, that the city by accepting this had forfeited the other: it was also contended, that the charter of Henry VII. extended only to that part of the river which was within the city; and the lease at Vauxhall was considered as an encroachment. These arguments prevailing, the bill was passed; and a handsome pile of buildings, called the Adelphi, was erected on the site, and disposed of by lottery.

The session ended on the eighth of May; and whatever credit ministers might lose in some of these disputes, they were never firmer in their seats than during the present year; for the defection of Mr. Grenville's party added much to their strength, while it diminished the efforts of opposition; and the public at large took but little interest in political concerns. In June, the death of lord Halifax made a vacancy in the cabinet which was filled up by the earl of Suffolk, whose place of lord privy seal was taken by the duke of Grafton.

In the midst of the triumphs of Russia over the followers of Mahomet, her ancient capital of Moscow was this year desolated by a terrible pestilence. Superstition augmented the evil, whilst it inspired the multitude with faith in the picture of a certain saint to avert the calamity; and thousands rushing toward the effigy, for the purpose of kissing it and imploring its aid, the infection was thereby spread to an unexampled extent. The venerable archbishop Ambrosius having ordered the painting to be removed, an infuriated mob pursued him to a convent in which he had taken refuge, dragged him from the very altar, and put him to death in the most savage manner. To quell this tumult, the soldiers fired on the people, and killed a great number; whilst many more were apprehended and punished.

The confederacies of Poland, which had apparently been extinguished, were renewed with increased violence; being supported by the influence of the French court, and by the presence of French officers: war was thus carried on against the Russians with varied success. A remarkable circumstance attending this species of warfare was an atrocious attempt to carry off the king, whom the malcontents had never regarded as the choice of the nation. On the night of the third of September, a party of about forty persons under three leaders, having entered Warsaw in disguise, stopped the king as he was returning to the palace; and having dispersed his attendants, dragged him forcibly from his carriage; in which outrage they inflicted a deep cut with a sabre on his head:

they then conveyed him on horseback out of the city; but the night being very dark, many of the conspirators lost their way, and the rest repeatedly sought permission of their chief Kozinsky to despatch the royal captive: he however managed to divert them from this criminal purpose; and being at length left alone with the king, was so moved by his entreaties, that he threw himself at the monarch's feet, implored his pardon, and swore to protect him from farther insult. After some time they obtained admission into a mill, whence the king despatched a note to the commander of his guards, who brought him back with an escort to Warsaw, amidst the acclamations of the people. The fate of Poland was now drawing to a conclusion: the Russian troops being strongly reinforced, those of Austria and Prussia advanced from different quarters; and all resistance was in vain.

In many parts of Germany great distress prevailed from scarcity, inclement seasons, and vast inundations. The dismemberment even of the empire was at this time contemplated by the imperial and royal plunderers. The king of Sweden died suddenly in February, and was succeeded by his son Gustavus III. who was then in Paris: he immediately sent a declaration to the senate, in which he solemnly promised to govern by the laws and constitution; protesting that he should regard as traitors to their country all who might attempt to introduce unlimited monarchical authority. He arrived in May at Stockholm, where he adopted the most popular manners, was easy of access, and studious to gain the affections of the lower orders. At the opening of the diet in June, he made an admired speech, in which he renewed his attachment to the free constitution of his country.

The disputes between the crown of France and the parliaments were this year brought to a crisis. The king in person having caused an edict to be registered by the parliament of Paris, in which was recognised the obligation of all the sovereign courts to register royal edicts, however opposed to their own opinions, the assembly, which had previously entered a protest against any thing which they might be compelled to do at a bed of justice, tendered the resignation of their offices to his majesty, unless he withdrew the obnoxious decree: this the king refused; and at the same time ordered them to continue their functions, under pain of losing their employments; to which it was answered, that they could not obey, but would submissively wait his majesty's pleasure. On the twentieth of January, at night, each member of the parliament was sur-

prised in his bed by two *mousquetaires*, who presented to him a written agreement to resume his functions, to which a signature of 'yes' or 'no' was demanded. 'No' was generally returned; although some few in their surprise assented to the affirmative: but the whole body, when they met next morning, declared their resolution not to obey the mandate: the following night therefore brought another visit to them from the *mousquetaires*, who announced to each person that he was degraded from his office, and that the parliament itself was broken up and dissolved. A decree of exile was afterwards put in force against all the members, who were exiled into different parts of the realm. To supply the place of these patriotic magistrates, a temporary tribunal was instituted, where the king's council were obliged to plead; but it became so unpopular, that a guard of soldiers was found necessary for its protection. On the twenty-second of February, the king held another bed of justice; and declaring that the jurisdiction of the parliament was too extensive, he divided it into six superior and permanent courts. Against this abolition of the most illustrious judicial court in France, protests and remonstrances were sent by other parliaments; with whom the high nobles and princes of the blood made common cause, and refused to attend the bed of justice held by Louis to open his new courts: the prince of Conde, his son Bourbon, and the prince of Conti were exiled in consequence, as also was the duke of Orleans and his son the duc de Chartres. The parliament of Rouen, acting with that intrepidity which always distinguished it, issued an *arrêt*, declaring the members of the new courts to be usurpers, and prohibiting the acknowlegement of their decrees. Violent measures were meditated by the court; but the duke of Harcourt refused to command the troops destined to put them in execution. By the arbitrary acts however of the monarch during this year, the parliaments of Besançon, Bourdeaux, Aix, Toulouse, and Britany were totally suppressed, their members banished, and new courts erected in their room. Thus did royalty triumph, first over the Jesuits, now over the jurists; and Louis XV. under Madame du Barry and d'Aiguillon, destroyed those outworks which stood before the citadel of his power: henceforward all classes were confounded, advancing together, and making common cause against the monarchy: the ministerial incapacity of the duc d'Aiguillon and the financial blunders of the abbé Terray quickened their march.

In the month of November incessant rains occasioned unusual floods throughout England, during which Solway Moss

in Cumberland began to flow; and rushing like a torrent over the adjacent tracts, swept off houses, cattle, and trees, and destroyed near a thousand acres of land. Among the domestic events of the year, was the birth of prince Ernest Augustus, which took place on the fifth of May. In September, a grand chapter of the order of the garter was held at Windsor in the presence of the sovereign, for the installation of their royal highnesses the prince of Wales and the bishop of Osnaburg, the dukes of Cumberland, Mecklenburg, Brunswick, Marlborough, Grafton, and the earl of Albemarle.

The heir apparent had now arrived at an age, when a more systematic plan of education became necessary: the earl of Holderness therefore, a nobleman of considerable attainments and dignity of manners, was appointed governor, with Dr. Markham and Cyril Jackson, as preceptor and sub-preceptor.[7] The plan of private education thus adopted was severely censured at the time, as too narrow and secluded for the future sovereign of a free country; and it was thought that no results which could arise from placing the prince at one of the first public schools, would be more unfavorable than those which might proceed from the severe system of restraint to which he was now subjected. A few years only elapsed before lord Holderness requested leave to resign his important trust, complaining that a secret and dangerous influence existed, which was injurious to his authority; but what this influence was, or whence it came, could never clearly be explained. The next governor was lord Bruce, who retained his office a few days, and retired with the earldom of Aylesbury conferred on him: he was succeeded by the duke of Montague, with Hurd, afterwards bishop of Worcester, and the Rev. Mr. Arnald,[8] of St. John's college, Cambridge, as preceptor and sub-preceptor.

The young prince at a very early age showed great aptitude for acquiring the elegances of literature; and with becoming gratitude always acknowleged how much he was indebted to his tutors, especially Markham and Jackson, for their admirable method and skill in imparting knowlege to their pupils. About this time his majesty so far relaxed his system of immediate superintendence over the prince of Wales, that he appointed for him a separate establishment at the queen's palace, with a royal chaplain; for this office the un-

[7] The former was afterwards archbishop of York, the latter dean of Christ-church.

[8] He had been the senior wrangler of his year in 1766.

happy Dr. Dodd was a candidate, seconded by the strongest recommendation of lord Chesterfield: but the king's private judgment of his character rendered all the interest that was exerted unsuccessful.

The life led by their majesties at this period was characterised by extreme simplicity, in the habits of which their offspring were carefully brought up; and this at a time when luxury was beginning to pervade all classes of society: on certain state occasions a truly royal magnificence was displayed; but generally no more than might have been found in any genteel English family. Though the habits of both were frugal, and in some instances perhaps too parsimonious for their exalted station, yet many examples are recorded, in which they exhibited a noble spirit of benevolence and generosity.

In the midst of popular discontents, at this time so prevalent, the external marks of which were directed more against the king than ministers, his majesty turned his attention to the useful science of agriculture, in which he passed many quiet hours, smiling at his new appellation of 'farmer George,' and unmoved at the reproaches with which faction was assailing him. The improved system which he adopted at Richmond was successfully carried on by the duke of Bedford, Mr. Coke, and many other distinguished agriculturists, to the great benefit of the nation: nor did the king disdain to act the character of a practical farmer; sending the produce of his land to market as a criterion of his system, and deriving very considerable profits from his speculation: he was even a contributor to Arthur Young's Annals of Agriculture; and his papers in that work, signed Ralph Robinson, Windsor, contained many judicious and useful observations.

As no urgent business claimed its attention, parliament did not meet till the twenty-ninth of January. The first debate originated in a motion to vote 25,000 seamen for the current year: this augmentation was opposed as too small if war was expected, and too large to be kept up in peace: it was however carried, on the plea that the state of our possessions and relations in all quarters of the globe required it. The armament destined for India was declared necessary, not only to cope with the French, who were beginning to intrigue with the native powers; but as a check on the conduct of the company's servants, of whose peculation and misconduct the minister made grievous complaints: and as the whole disposition and management of the navy, particularly the abuse of guard-ships, had

been called in question by admirals Keppel and Saunders, he promised that in the course of a year eighty ships of the line should be equipped and ready for service; which force would be more than sufficient to cope with the French and Spaniards united.

For some time past the important subject of subscription to the articles of religion had occupied men's minds, and formed a fertile source of controversy and ill-will: systems established at early periods of the reformation were thought by many honest inquirers to be tainted with errors and inconsistencies arising from the prejudices and disputes which then prevailed; and it seemed extraordinary, that those who so long ago settled the doctrines of our church regarding the most abstruse points of christianity, should be considered accurately and infallibly right. Numerous members of the establishment itself manifested an anxiety to be released from subscription to points of belief which the controversies of learned men had rendered dubious: a society therefore was formed, principally of clergymen, with archdeacon Blackburne at its head, but joined by some members of the legal and medical professions, for the purpose of obtaining relief from subscription to the thirty-nine articles; and a petition, drawn up and signed by about 240 of these persons, was presented to the house of commons. It stated that whilst the fundamental principles of protestantism consisted in the right of private judgment, and reference to the exclusive authority of scripture, they were required to acknowlege that certain articles of faith and doctrine, drawn up by fallible men, were all agreeable to holy scripture. Such subscription was represented as a great hinderance to the spreading of true religion; since it discouraged free inquiries into the real sense of the sacred writings, divided communions, and caused animosity among protestants, even of the establishment itself; that it afforded occasion to unbelievers for charging them with prevarication, and with interested or political views in subscribing to articles which they could not believe, and about which hardly two were agreed in opinion: also that it afforded a handle to papists for reproaching them with inconsistency regarding their separation from the Roman church.

The students of civil law and physic complained of the universities, particularly of one, where they were obliged, at their first admission, and at an age totally unfit for disquisitions and decisions in affairs of such moment, to subscribe their unfeigned assent to a variety of theological propositions, in order to obtain academical degrees in their respective facul-

ties; and that their private opinions on such subjects could be of no consequence to the public, as the course of their studies and attention to their practice afforded no means or leisure for the examination of them: they also lamented the misfortune of their sons, who at an immature age might be irrecoverably bound down to the opinions and tenets of ages more bigoted and far less informed than their own.

Sir William Meredith, who brought up this petition, said that he considered it as meriting the most serious attention, since grievances which affect the conscience are of all others the most grievous: that it was inconsistent with the liberality of the present age to oblige men to subscribe to the truth of articles which they could not believe; that such injunctions, tending to establish, under religious authority, habits of prevarication and irreligion, were productive of great licentiousness in the church, and operated to the destruction of christian charity. The removal of these unworthy shackles, he affirmed, would give a strength to the established church which nothing could shake; nor could any danger arise from such a reformation whilst the hierarchy existed.

The great champion of the high church party on this occasion was Sir Roger Newdigate, member for the university of Oxford. He considered the petition as praying to overturn the church of England, which he knew not where to find except in its thirty-nine articles and book of common prayer: he accused the clergymen who had signed the petition of possessing most accommodating consciences, and such as had subverted the church in the last century. The house, he declared, had no power to dispense with oaths, or to relieve those who had subscribed: that it could not receive the petition; since to comply with it would be a breach of the articles of union between England and Scotland; and the king is bound by oath never to admit any alteration in the liturgy or the articles.

Mr. Hans Stanley spoke at great length, with more moderation, but intirely against the petition, as containing a subject unfit for the future deliberation of the house. Though it was not wholly a new proposal to alter the religion of the country, yet this can only be authorised when a change takes place with the governing powers: there was a seeming contradiction in the inferior number coming to solicit a material alteration against the majority. He declared himself a warm friend to toleration; but asked, where was the great hardship, when persons, who had sincere scruples, were obliged to seek other

virtuous employments, if they could not accept of church preferment on its present terms? He allowed that there might be many hard cases; but where are the general laws that can guard against inconvenience to individuals? He entreated the house to pause before it brought such a subject under discussion; for though a free country may alter any law, yet there are some laws so fundamental, that they cannot be altered without shaking the very basis of the state.

Mr. Wedderburne thought that subscription to certain articles of belief was necessary to an establishment; but he combated the objection which related to a violation of the union; observing, that the legislature had already exerted a power of altering church government since the union, by the act against occasional conformity in England, and by that which destroyed elective patronage in Scotland, and deprived the people at large of the right of choosing their pastors. 'What, indeed,' said Mr. Burke on this point, 'should we think of the wisdom, to say nothing of the competence, of that legislature, which ordained to itself such a fundamental law at its outset, as to disable itself from executing its own functions; which should prevent it from making any farther laws, however wanted; and that too on the most interesting subject that belongs to human society? Such an act would for ever put the church out of its power; raise it far above the state; and erect it into that species of independency, which it is the great principle of our policy to prevent.'—'I will not enter,' he said, 'into the abstract merits of our articles and liturgy: perhaps there are some things in them which one would wish had not been there; they are not without the marks and characters of human frailty: but it is not human frailty and imperfection, or even a considerable degree of them, that becomes a ground for your alteration; for by no alteration will you get rid of those errors, however you may vary them.' He also argued from the present times, and observed;—'if you make this a season for religious alterations, depend on it, you will soon find it a season of religious tumults and wars.'—'But these gentlemen,' he continued, 'complain of hardship: the hardship amounts to this;—that the people of England are not taxed two shillings in the pound to pay them for teaching, as divine truths, their own particular fancies. The laws of toleration provide for every real grievance: if they do not like the establishment, there are a hundred different modes of dissent in which they may teach. But how do you ease and relieve? How do you know, that in making a door into the church for these gentlemen, you

do not drive ten times their number out of it? Alter your liturgy: will it please all, even of those who wish for an alteration, or those who wish for none at all? And then these men, who now complain of being shut out, will themselves bar the door against thousands. Dissent, not satisfied with toleration, is not conscience, but ambition. If you will have religion publicly practised and taught, you must have a power to say what that religion shall be which you will protect and encourage, and to distinguish it by such marks and characteristics as you in your wisdom shall think fit: your determination may be unwise, but it cannot be unjust or oppressive; contrary to the liberty of any man, or exceeding your province: it is therefore as a grievance fairly none at all; nothing but what is essential, not only to the order, but to the liberty of the whole community. The petitioners themselves are so sensible of this, that they do admit of one subscription, that is to the scripture; which militates with their whole principle against subscription, as a usurpation on the rights of Providence: and if that rule were once established, it must have some authority to enforce obedience, somebody to sit in judgment on conformity; for a law without sanction is ridiculous.' He then went on to show, from the different opinions of churches on the canon of scripture itself, that men are as little likely to be of one mind on this point as on any other.

The house in general seemed to think that it concerned the public but little, whether practitioners in law and physic were bound by subscription to the articles; and a wish on all sides was expressed, that the universities would grant relief to them in that respect, as well as to all young students at the time of admission or matriculation.

Towards the close of the debate, lord North said, he hoped to have seen nothing in the petition to prevent him from recommending that it should be laid on the table, meaning however to oppose every attempt to go farther: but he thought it repugnant to the act of union; and if such indulgences should be granted, there would after that time be nothing which could exclude a man from the church of England, but popery: any innovation in the forms prescribed would occasion such contentions in the nation, that not poppy nor mandragora could ever restore it to its former state of repose.

Mr. Dunning replied to this, that he never knew till now, that it was a principle of sound policy to narrow the means of access to emoluments; and he had always thought that every good subject ought to be considered as entitled to a propor-

tional chance of obtaining posts of profit and honor. In the course of the debate he had observed that the same premises had led different members to very opposite conclusions: one declared that our reformation from popery was effected by the spirit which this petition was designed to promote; and another asserted that the granting of this petition would have a direct tendency to bring us back to popery. He could not foresee that the quiet of the nation would be endangered by it; but if the repose which the nation now enjoyed partook at all of that torpid state of insensibility which his lordship's mandragora had diffused through the house, he should wish to see it broken as soon as possible; for it was an alarming symptom, which, instead of betokening health, was the forerunner of destruction.

The debate did not close till after midnight, when the reception of the petition was rejected by 217 votes against 71. It was thought that the framers of it, by asking too much, lost every thing; for if they had petitioned only for exemption from subscription to certain of the articles, there existed a disposition in the house to have yielded so far. In this very year, the university of Cambridge, greatly to its honor, released all candidates for the degree of bachelor of arts from subscription to the thirty-nine articles; the following declaration being introduced in its place:—'I, A. B., do declare that I am, *bona fide*, a member of the church of England, as by law established.' On this interesting subject one or two passing observations may be allowed. It would seem, that the clergy of our establishment are precluded by the very act of subscription from bringing forward any plan of altering the articles and liturgy of their church: yet it is well known that there are many among them anxious to see such alterations made, as might relieve tender consciences, and be the means of drawing numerous recusants within the pale of its communion. Is it not then a duty incumbent on the legislature to take this subject seriously into consideration? The country contains an abundance of pious and learned men, into whose hands a revisal of our forms might be committed, without the least danger to any point of vital importance: nor should it ever be forgotten, that a system of exclusion may be carried too far for the safety of that very establishment which it is intended to protect.

Another debate, in which the clergy were concerned, occurred on a motion made for leave to bring in a bill which might secure the possessions of the subject against dormant claims of

the church. As the *nullum tempus* of the crown had been conceded in favor of the people, it was argued, that no reason existed why some limitation in this respect should not be set to ecclesiastical power, which in various instances had proved a severe grievance. The arguments on the other side went to show, that this power of reviving claims was necessary to protect the church from encroachments: in the case of the crown it was an instrument in the hands of the strong to oppress the weak; in the case of the church it was a defence of the weak against the strong. The motion was accordingly rejected by 141 to 117.

Last year, the duke of Cumberland, second brother to the king, but immeasurably below him in moral character and intellect, had contracted a marriage with Mrs. Horton,[9] which was extremely disagreeable to their majesties: it had also been long believed that the duke of Glocester was privately married to the dowager countess of Waldegrave. Under these circumstances, a message from the king was sent on the twentieth of February to both houses, importing that his majesty thought it would be wise and expedient in parliament to render effectual, by some new provision, the right of the sovereign to approve all marriages in the royal family: in consequence, a bill was brought into the house of lords, for rendering the descendants of George II., excepting only the issue of princesses affianced into foreign families, incapable of contracting marriage without the consent of the king or his successors, signified under the great seal, and declared in council: there was however one clause inserted which deviated from the tenor of the royal message; it being provided, that such persons, being past the age of twenty-five, and giving twelve months' notice to the privy council, might marry without the king's consent, unless both houses of parliament should within that time declare their disapprobation. The bill was strongly opposed both in the upper and lower house on the grounds of law, policy, and morality: in the latter it was carried only by a majority of forty; and in the former nineteen peers entered a long protest, declaring that the act, if it passed into a law, would be void.[10] It was said,

[9] A daughter of lord Irnham, and sister to colonel Luttrell.

[10] 'I think,' says Mr. Nicholls, 'they were right in this opinion: Sir Edward Coke, Sir Matthew Hale, and Sir John Holt, have all laid down this doctrine in the most explicit terms; that an act of parliament, repugnant to the law of God, is void.'—Recollections, vol. i. page 33.

whilst this bill was depending in parliament, that its title should be, 'an act for encouraging fornication and adultery in the descendants of George II.' It was not very pleasing to the nation, and excited some prejudice against the queen, whose German pride, it was thought, took fire at the elevation of lady Waldegrave and Mrs. Horton to the rank of her sisters-in-law. Before the act passed, the duke of Glocester thought proper to avow his marriage.

During the debates on the anti-subscription petition, some even of its opposers had expressed an opinion, that although it might be just and reasonable to require subscription from persons wishing to enter into the established church, yet it was hard to demand it from dissenting ministers and schoolmasters. By the act of toleration, they were required to subscribe those articles only which relate to doctrine; and when that act was passed, dissenters in general agreed with churchmen so far in point of doctrine, that this obligation was not felt as a grievance: but the spirit of inquiry, unshackled as it was among them, had effected such changes of opinion, that only a small proportion of their ministers had complied with the requisition; the greater number therefore were liable to the penalties of the law, though from the tolerant spirit of the age these had not been enforced.

Sir Henry Houghton now made a motion to relieve dissenters from subscription, and from the operation of the penal laws; but he was strongly opposed by the high church party, who declared that such an exemption would open a road to heresy and infidelity, encourage schism, and ultimately destroy the church of England. The supporters of the bill contended, that subscriptions operate against the moral and conscientious, whilst they are disregarded by the profligate and wicked: that with respect to that change of opinions which was charged against dissenters, the progress of knowlege and civilisation must occasion a diversity of sentiment; but though some few might hold principles inimical to christianity, yet such an allegation against the whole body was totally false: that ever since the revolution, they had been stanch friends of civil and religious liberty, supporters of our constitution under the present royal family, and zealous defenders of the christian faith against its most virulent opponents. Such men, it was said, deserved to enjoy something more than mere impunity, and that too by connivance. 'Liberty,' said Mr. Burke, 'under a connivance! connivance is a relaxation from slavery, not a definition of liberty.'—'If,' said he, 'I were to describe

slavery, I would say with those who hate it, that it is living under will, not under law.'—'The cause of the church of England,' said the honorable member, 'is included in that of religion, not that of religion in the church of England;' and he strongly recommended a union of protestants, in order that they might oppose with greater effect the assaults of infidelity. Such considerations induced a large majority in the house of commons to vote for the bill; but in the peers it was so strongly opposed by the bench of bishops and the ministry, who thought it injurious to the established church, that it was rejected by the vast majority of 102 to 29.

Two other circumstances in this session, which was so remarkably occupied with ecclesiastical affairs, deserve notice. Dr. Nowell, principal of St. Mary's hall, Oxford, having preached a sermon before the house of commons on the thirtieth of January, containing sentiments repugnant to liberty and to the constitution as established at the revolution, received the thanks of the house as a matter of course; but when the sermon was printed, its true character appeared, and a motion was made to expunge the former resolution; which was carried without a division. Mr. Thomas Townshend even proposed that the sermon should be burned by the common hangman; and this also might have been carried, if the house had not recollected that something was due to its own dignity. Soon afterwards, Mr. Montague made a motion to repeal the act enjoining an observance of that anniversary; and attacked the appointed form of prayer as blasphemous, inasmuch as it contained a parallel between Charles I. and our blessed Saviour: it was defended by that highest of high church tories, Sir Roger Newdigate; and the motion was defeated by a majority of 125 to 97.

In this session the affairs of the East India company also were brought very prominently before parliament. The increase of its power, after the memorable success of lord Clive in the preceding reign, had been followed by such gross mismanagement and abuses, that Mr. Sullivan, deputy-chairman of the company, was obliged to make a motion on the thirtieth of March for leave to bring in a bill for the better regulation of its officers and concerns in India: the object of it was to establish new and important regulations; restraining the governor and council of Bengal from all concerns in trade, changing the courts of judicature there, and giving the directors greater control over their servants. This motion drew from lord Clive a long and labored defence of his conduct during

his last expedition to India, undertaken solely with a desire of benefiting the company, under whose auspices he had acquired his fortune and his fame; and by which, instead of increasing, he had diminished his wealth. He entered at large into the regulations he had made, especially those relating to salt; acknowleged the share he had received in the monopoly, which yielded £32,000; but this sum he had distributed to others: he also spoke of the new gold currency established at Bengal under his auspices; which had been represented as a measure calculated to enrich those concerned in it, to the great detriment of the province and the company: he exculpated himself, by saying that he knew nothing of the mixture of metals; and solemnly denied that he had gained a shilling by the coinage. He charged the directors, with having, through ignorance or obstinacy, deranged and frustrated the best-concerted plans for regulating the country; and attributed the embarrassment of their affairs to four causes; negligence in administration, misconduct in the directors, outrageous conduct of general courts, and disobedience shown by the company's servants in the east. His lordship stated that the clear net revenue of Bengal for 1771 was no more than £171,000, whilst the claim of government was £400,000: the expenses of its military establishment, since his presidency, had increased to the enormous sum of £1,800,000 per annum. 'The company's servants,' said he, 'having found out the way of making fortunes by exorbitant charges in contracts, the revenue falls short, though the sum levied on the province is little less than £4,000,000 annually. The temptations to amass wealth by indirect means are too great for flesh and blood to withstand.' He concluded by observing that Bengal was the brightest jewel in the British crown.

Governor Johnstone, in reply, strongly arraigned lord Clive's conduct and defence. He stated that the average duty collected on salt in Bengal amounted to £40,000 per annum; but the whole had been farmed for £32,000: he also insinuated that the company had lost £300,000 by frauds in the coinage: he did not mean to impeach his lordship's veracity, but he always understood that the president had a per centage on all money coined: no doubt, as his lordship affirmed it, he made no profit on this great occasion, but left that also to his friends: yet he could hardly admit, after such instances of his abilities, that he was so ignorant regarding the mixture of metals as he would have it believed. 'Do not all men know,' said he, 'that the purity of coin is a principal consideration in govern-

ment, and that it is of dangerous consequence to tamper with it by fraudulent mixtures?' He asked also, whether his lordship could deny that the money was coined with an alloy of thirty per cent.? He objected however to the bill; since the British legislature ought not to move in the affairs of India, unless it acted with dignity and effect.

The bill was read a second time, and then laid by: administration had no serious thoughts of entering deeply into these matters at present; and the subsequent movements made during the remainder of the session were only intended to keep attention awake, until some opening could be found for that great alteration which was afterwards made in the company's establishment. So much light however had been thrown on its concerns, that many were led to infer, how very unequal a company of merchants were to the sole superintendence of such opulent and vast dominions, involving the lives and fortunes of so many millions of people. At length, a select committee of thirty-one members was chosen by ballot to inquire into the state of their affairs: but the objects of investigation were so various and extensive, that, before the rising of parliament, they applied for permission to sit during the recess.

It ought not to be omitted, that in this session the ancient and barbarous custom of *peine forte et dure*, by which felons refusing to plead were stretched on their backs and pressed to death with heavy weights, was abolished by an act of parliament, which enacted that all who are so contumacious are to be adjudged guilty of the crimes laid to their charge. On the ninth of June parliament rose. The supplies voted for 1772 were £7,360,250, and the national debt amounted to £127,500,000.

This year was pregnant with important events on the continent of Europe. We have seen that the king's youngest sister, Caroline Matilda, was married in her sixteenth year to Christian VII., king of Denmark, a prince of weak intellect, irritable and capricious, open to flattery, and easily deceived by artful persuasions. Soon after his marriage, being actuated by a restless desire of change, he left his throne and his young bride to travel in foreign countries. After visiting England, France, and Germany, he returned in the following year to his own dominions, where he soon showed that he had gained no valuable accession of knowlege by his experience of the world. A physician named Struensee, who attended him in his travels, had acquired so absolute an ascendency over his mind, as to

obtain the supreme direction of affairs, with a title of nobility: but the rash presumption of this man urged him to attempt many innovations in the state, which rendered him very unpopular. The high favor in which he stood with the queen, and which he probably owed to his many accomplishments and engaging manners, forming a strong contrast with those of her unworthy husband, gave rise to imputations unfavorable to her character: she was accused of having been seen alone with him, and of treating him with indecorous freedom: nothing however was proved beyond these symptoms of levity, which by her friends were considered only as the innocent sallies of a lively young woman.

At length a strong party at court was formed against the favorite, under the guidance of the queen dowager, prince Frederic her son, and count Rantzau: Caroline Matilda was also an object of the malice of this faction, from her supposed influence over her husband, and her encouragement of the ambitious adventurer who had presumed to domineer over the old nobility. On the night of the sixteenth of January, after a grand masked ball, the projected conspiracy was put in execution: Struensee and his friend Brandt were suddenly seized, cast into prison, and, after undergoing the greatest indignities, suffered a cruel death on the scaffold. The unfortunate queen, having performed the dearest of maternal duties to her infant, had scarcely retired to rest, when she was awakened by an attendant with an order from the king to remove for a time to a royal palace in the country: comprehending at once its nature, she would have rushed to her husband's apartment, but was intercepted by the conspirators; and being intirely in the power of these insolent foes, she was driven off with great rapidity to the castle of Cronensburg, and there kept in strict confinement.

For some time her life was in imminent danger, as a project was on foot to try her on a capital charge of adultery, for the purpose of rendering her offspring illegitimate, in order that prince Frederic might become presumptive heir to the throne; but the powerful and spirited interposition of the British monarch frustrated this scheme, and procured the unfortunate queen's freedom after a detention of about four months. The British minister brought an order for her release; but her joy was turned into mourning, when informed that she must leave her infant daughter, born only a few months before her imprisonment, the sole companion and solace of her misery, and to whom she felt a more than parental fondness. In an agony of

despair she was conveyed to the vessel, on the deck of which she sat with her eyes fixed on the walls that contained this dear object of her affection, till darkness shrouded them from her view. She retired to the city of Zell in the electorate of Hanover; and there a premature death ended her misfortunes at the age of twenty-four.

During the confinement of her unfortunate daughter at Cronensburg, the princess dowager of Wales expired, on the ninth of February. Of late years popular clamor had run very high against her; but the accusations of her enemies were never satisfactorily substantiated. She was regarded by her son with deep filial affection, and seems to have been possessed of many good qualities: it tells greatly to her credit, that out of her own private income she gradually paid off the heavy sums in which her husband was indebted at the time of his decease.

In this year a bloodless revolution was effected at Stockholm by Gustavus III.: the states of the kingdom underwent no change; the council only was overturned; and the violent factions of the aristocracy, led on by family interests and foreign influence, were repressed. Sweden was more fortunate than Poland, in possessing a class of free citizens and a bold peasantry, which was now its salvation: the latter country, in its wretched serfs, had not even the elements of a civil constitution; while its elective monarchy was like a volcano, whose eruptions, at every change of government, threatened destruction to every thing within its range. This restoration of the regal power in Sweden was viewed with different feelings by different states: England beheld it with dissatisfaction, because it was effected with the concurrence and almost by the contrivance of France: Russia felt it more deeply, because she had now less chance of effecting designs in that realm like those which she had undertaken against Poland: she was however checked in any operations that she might have meditated, by her fears both of Austria and Prussia; and she consoled herself, not only by the project in which she was already occupied; but by looking forward to a period, when the dismemberment of Turkey would throw the eastern capital of the Cæsars, with the finest ports of the Mediterranean, into her hands.

Poland at this time presented a melancholy aspect: devastated by foreign armies, torn by civil war, harassed by religious discord, wasted by famine and the plague, she saw the spoilers approach without the power of resistance; nor had she a single friend to whom she could look for aid. Turkey lay almost prostrate at the feet of Russia; Sweden and Denmark

were engaged in revolutions of their own; Choiseul no longer directed the helm in France, where Louis XV. was slumbering in the arms of du Barry, and d'Aiguillon engaged in imprisoning the adherents of the parliament; whilst England was embarrassed by domestic commotions and the violent remonstrances of her rebellious colonies.

Roused by the impending danger, the king and nation published refutations to the pretended claims of the three powers, issued counter-declarations or memorials, and appealed to all the states that had ever guarantied the integrity of Poland: but no appeal to humanity or justice made any impression on the assailants, who hastened to complete their work of plunder, lest the rising spirit of Europe might possibly interfere with their projects.

The diet having assembled on the nineteenth of April, for a long time opposed the dismemberment of their unfortunate country, in which they were encouraged by the king: the ambassadors of the three courts then had recourse to terror on the one hand and to bribery on the other; menacing the unhappy monarch with deposition, his family with ruin, and the capital with pillage; whilst they lavished presents and promises on the members of the diet, and employed every engine of corruption to obtain their ends. Even when the Poles gave way, Stanislaus long continued firm, threatening to abdicate his throne rather than dishonor his character; but he had not energy to endure the extremity of his fortune, or spirit to disdain a crown held only by sufferance from his oppressors; so yielding to the menaces of the Russian ambassador, he signed the fatal instrument which severed its fairest provinces from his kingdom. The partitioning powers dare not trust to the forbearance of an injured people; but procured an act to dissolve the diet, and to appoint commissioners for adjusting their respective claims, and settling a new constitution for the country.

The delegates entered on their humiliating office, and before the month of September divided the plunder as follows: to Russia was assigned Polish Livonia, parts of Witepsk, Polotsk, and Minsk, with the whole palatinate of Micislaw, containing a population of 1,500,000 souls—to Frederic the district called Royal or Western Prussia, with a population of 860,000 —to Austria, as an equivalent for obsolete claims on behalf of the crowns of Hungary and Bohemia, a large and fertile territory in southern Poland containing 2,500,000 souls, with the valuable salt-works of Vielitzka, the annual revenue of which was £90,000: this district was annexed to the Austrian dominions,

under the ancient title of the kingdoms of Gallicia and Lodomeria. But the treaty of partition was scarcely signed, when the courts of Berlin and Vienna began to lust after new encroachments: Frederic extended the limits of his acquisitions in the neighborhood of Thorn, and to the east of the Devenza; whilst Austria seized on Casimir, part of the palatinate of Lublin, and lands lying on the right bank of the Bog. Each connived at the other's rapacity, and from the position of affairs they seemed likely to succeed in their encroachments.[11]

But the plunderers did less injury to Poland by the dismemberment of its provinces than by the new constitution imposed on the state, which excluded all reform, perpetuating the elective monarchy, the *liberum veto*, the exorbitant privileges of the nobles, and every other inherent defect; whilst it contracted the regal power, by appointing a co-operative council, and taking from the sovereign more than half his patronage. The delegates, though chosen by foreign powers and awed by foreign bayonets, long resisted these new regulations; but after about two years, their consent being extorted, the commission was dissolved, and a general diet convened, which formally confirmed their acts. Thus all things were put into a proper train for future spoliation: nor did a very long time elapse before another opportunity occurred of abrogating the law of nations, and dissolving those ties which connect governing powers among themselves.

'What,' says professor Heeren, 'were the consequences to Poland, in comparison with those which threatened the political system of Europe? The potentates themselves had begun its subversion! Politicians flattered themselves indeed, and so did Frederic, that the balance of power would be upheld in the north by the nearly equal division: so fearfully had the error taken root, that this balance is to be sought in the material power of the state, and not in preserving the maxims of international law. What dismemberment could be illegal, if this should be regarded as lawful? and what state could be more interested in maintaining the law of nations than Prussia; a state, which was established by conquests piecemeal, and brought together by compacts and treaties of peace?'[12] Catharine however saw in the constitution of Poland a ready way of establishing her future preponderance in the system, and of advancing her enormous power still farther towards the heart of Europe.

[11] Coxe's Austria, vol. iii. pp. 508, 509. [12] vol. ii. p. 147.

The dispute concerning the Middlesex election was this year revived in a new mode of investigation: Mr. alderman Townshend brought an action against the collector of the land tax, for distraining a large quantity of hay, in default of payment, which was refused on the plea of Middlesex not being represented in parliament. Mr. sergeant Glynn, who was retained for the plaintiff, took this opportunity of recapitulating the whole case; and observed to the jury, that if they coincided in opinion with him regarding the non-representation of the county, they would find for the plaintiff; but if they thought the present house of commons had authority to impose such a tax, then the defendant was justified. Mr. Wallace, on the other side, contented himself with producing the act of parliament under which the collector had acted. Lord Mansfield then told the jury that the sole question was, whether there was at the present time any legislative power in the country or not: if they acknowleged that there was, they must find for the defendant; for Mr. serjeant Glynn's evidence was, in his opinion, quite inadmissible. The jury immediately found for the defendant; and Mr. Townshend declared in court that there the affair should end.

On the fourteenth of August, lord Hillsborough resigned his posts of secretary for the colonies and first lord of trade, being succeeded in both by the earl of Dartmouth: as this nobleman had voted against the stamp act and always opposed the taxation of America, it was concluded that different measures would be taken with regard to the colonies. The earl of Harcourt succeeded lord Townshend in Ireland, the latter being appointed master-general of the ordnance: on the death of the earl of Albemarle, general Conway obtained the government of Jersey, whom Sir Jeffery Amherst succeeded as lieutenant-general of the ordnance: lord Stormont was sent ambassador to Paris; Mr. Jenkinson was made vice-treasurer of Ireland, and Charles Fox a lord of the treasury.

England had now enjoyed nine years of peace; but though the active spirit of the nation was engaged in great public undertakings for the facility of internal trade, foreign commerce still languished: that with America could scarcely thrive in the present temper of the two countries: the profits of the Levant trade began to fail, owing to the superior advantages possessed by the south of France, which enabled that country to undersell us: our beneficial commerce with Portugal also was on the decline; and the only compensation for these losses was the increased trade with Russia in consequence of her advancing

civilisation: still the balance was against us in many parts of Europe; and though our gold coin was reduced to a shameful state of deficiency, yet large quantities were secretly transported by the Jews.[13] Vast fortunes at this time were acquired in the east; and those who returned with them to their native land became anxious to invest their capital in land, the value of which rose to an unexampled height: the banks became full of cash, so that government was contemplating a reduction of legal interest from five to four per cent.: for notwithstanding these appearances of wealth, the public funds were lower than they had been since the conclusion of the war.

This state of things was very favorable to commercial enterprise, since money was easily procured on personal security: but many resorted to pernicious methods of obtaining it, by drawing and negociating bills of exchange, and issuing notes of hand, without any valuable consideration given; by which imaginary capitals were raised, and abuses became so excessive as to shake all confidence between man and man. People without any property, some even in a state of insolvency, kept up the appearance of opulence, and ran desperate risks in order to snatch the gifts of fortune: dissipation and extravagance led to these practices, and followed them: men grew careless of their expenses, because they could so easily raise money to support them; and others were driven to such expedients, after they had squandered their property. Hence also speculations in the public funds were carried on to a mischievous extent, especially those in India stock, the great fluctuations of which afforded ample scope to the insatiate gamester. One adventurer, who had risen by these means, from a low estate, to be a rival of princes, contracted for the delivery of India stock, to an immense amount, at a given day, under a full assurance of its fall: but he was deceived; the stock rose to a great height; and the unlucky speculator, with his partners, was involved in ruin: this failure affected others; many considerable merchants and bankers were reduced to indigence; and wealthy families were brought to the lowest pitch of distress. In this general state of alarm and distrust, the Bank of England refused to discount bills; and men of great property, who had embarked in large concerns, felt all the embarrassments of poverty; being scarcely able to raise money on any kind of security. The landholder alone was safe, though even he was obliged to contract his expenses: but the shock, disastrous as it was, proved useful in

[13] History of Lord North's Administration, p. 81.

its consequences, by inculcating prudence and caution, and placing commercial transactions on a more sure and solid basis.

In the midst of these commercial distresses parliament was convened early in the winter, in consequence of the unpleasant state of the East India company, who had accepted bills to the amount of four times the sum for which the council was allowed to draw; and owing to a failure in returns, were indebted to the Bank for money borrowed, to the revenue of the customs for duties, and to government for their quarterly payment.

The chairman of the secret committee reported to the house, on the seventh of December, that the company, notwithstanding their want of money, were preparing to increase this pecuniary distress by sending out supervisors to Bengal, at the expense of £120,000 per annum; and he recommended that a bill should be brought in, to restrain them for a limited time. As it was seen that such a bill would be only a preparatory measure for the interference of government in the administration of India, the discussion called forth great powers of eloquence and argument. The attorney and solicitor-general contended that the company's charter did not empower them to appoint supervisors: it was stated that the corrupt practices of their servants were too enormous for a court of directors to correct; and that the authority of government was necessary to restore their rights to the inhabitants of Hindostan, and to place the finances of the country on a proper footing. The subject led to an inquiry, whether a mercantile company, acting under a charter, has a right to conquer, hold, and legislate for territories, independently of the state.

During the progress of the bill, a petition was presented from the company, representing it as subversive of those rights and privileges which they held under their charter, purchased by their predecessors for a valuable consideration, and confirmed by acts of parliament, which they were not conscious of having violated. In this memorial they complained of an erroneous calculation of expenses by the committee, and stated that those of the commission would be defrayed by savings which were meditated, to the great benefit of the creditors: they suggested the injurious consequences which might arise from their being prohibited to arrange their affairs, in the want of means to fulfil their engagements to the public; claiming with all humility the benefit of the law, and appealing to the faith of the nation for their chartered rights: they also prayed to be heard by themselves or their counsel against the bill.

Counsel having been admitted, it appeared in evidence that government had received little less than £2,000,000 annually from the company, which at the same time had lost £1,000,000 by the indemnity agreement on tea, of which £700,000 went to government, and the remainder to the purchasers. It was shown that the profits of their trade for the last five years would have afforded a dividend of twelve and a half per cent. to the proprietors; whereas they had scarcely divided more than six per cent., whilst government had been benefited to such an immense amount. The great abuses, and gradation of extravagance in the civil and military departments, were duly set forth, and stated to be proper objects of regulation, whereby great savings, vastly superior to the expenses of supervisors, might be effected; other abuses also in the erection of barracks and forts, as well as in the levying of certain taxes, were shown to be capable of correction. Until the select committee of lord Clive was appointed, the civil and military expenses at Bengal had never exceeded £700,000: next year they came up to £900,000; and so on, till in 1771 they reached £1,800,000: this showed that a commission of able and upright men might effect savings of vast importance. It was finally contended, that the company claimed a right of managing their own concerns by charter, and in return for signal services rendered to the nation.

The evidence, thus given at the bar, served to establish the great delinquency of the company's servants, but not the competency of the company itself to redress abuses: the mention of the select committee was peculiarly unfortunate; for although formed for the very purpose of redressing them, it had given rise to the enormities complained of. The question was, whether the present exigences and imbecillity of the company warranted the interposition of parliament: on the side of ministers, the bill was acknowleged to be a stretch of authority, justifiable only by cogent necessity; which necessity clearly existed, so as to take precedence of all other law: lord John Cavendish thought differently; he said, 'when extraordinary remedies become the ordinary engines of government, they are signs of a weak ministry. Men of abilities foresee great evils; and if such arise, they know how to remove them, without offering violence to the general system, and to those sacred institutions, which are to human society what gravitation is to the universe.'

Mr. Burke's speech on this occasion attracted great attention. He observed, that in 1767 parliament took the state of the

company's trade and revenue into consideration, for the maintenance of public faith and public credit, for the increase of its commerce and resources, and for the security of its stockholders. 'One and forty hours,' said he, 'did the house sit on this business; and what was the result? what did this mountain in labor bring forth? No mouse truly, but a fair round sum of £400,000 a year to government.' Thus did parliament support public faith and the company's interests, by extracting from its necessities a reasonable sum to pay off the arrears of the civil list; arrears so honorably and usefully contracted! The eyes of parliament were dazzled by its lucrative bargain: the company, without the aid of precedent or light of experience, without chart or compass, was allowed to steer at random through this perilous ocean: the wonder would have been, if they had not been lost. 'The distress of the company,' said the honorable gentleman, 'arises from the improvidence of administration, and the short-sightedness of parliament, in not forming for it a system of government suitable to its form and constitution. Or am I mistaken? Were the affairs of the company designedly left in confusion? Were the directors left without any effectual control over delinquent servants? Was the collection of the revenues left without any check? Was the tyranny of a double government, like our double cabinet, tolerated with a view of seeing the concerns of the company become an absolute chaos of disorder, and of giving to government a handle for seizing the territorial revenue? I know that this was the original scheme of administration, and I violently suspect that it never has been relinquished. If the ministry have no sinister view, if they do not mean by this unconstitutional step to extend the influence of the crown, they will now speak out, and explicitly declare their intentions: their silence may be justly construed into a confession of such a design; and they will thenceforth be considered as the determined enemies of the liberty of their country. God knows, that the places and pensions, and expectances furnished by the British establishment, are too powerful for the small remains of patriotism and public spirit that remain in our island: what then will become of us, if Bengal, if the Ganges, pour in a new tide of corruption? Should the evil genius of British liberty so ordain it, I fear this house will be so far from removing the corruption of the east, that it will be corrupted by it: I dread more from the infection of that place, than I hope from the virtue of this house. Was it not the sudden plunder of the east that gave the final blow to the freedom of Rome?

What reason have we to expect a better fate? I conjure you, by every thing which man ought to hold sacred; I conjure you, by the spirits of your forefathers, who so nobly fought and bled in the cause for which I now plead; I conjure you, by what includes every thing, by your country, not to yield to the temptations which the East in the hands of the crown holds out; not to sink into the gulf of corruption, and to drag after you your posterity, your country. I obtest heaven and earth, that in all places and at all times, I have hitherto shoved by the gilded hand of corruption, and endeavored to stem the torrent which threatens to overwhelm this land. On the whole, the bill is dangerous in itself, as being the first step towards a total invasion of the company's territories in Bengal; and, should we admit the motives which lead to it to be good, yet such a step is dangerous as a precedent. I do not, however, deny that the house has power to pass it, but you have not the right: there is a perpetual confusion in gentlemen's ideas from inattention to this material distinction; from which, properly considered, it will appear, that this bill is contrary to the eternal laws of right and wrong; laws that ought to bind all men, and, above all men, legislative assemblies.' On a division, the bill passed by a majority of 153 to 28. In the house of lords it met with only a faint opposition, but produced a protest, declaring that it was the duty of the company to appoint a commission for correcting abuses; and that a neglect of applying legal powers to the ends for which they were given, would rather have been a matter of delinquency: that government, it was said, must be full of deceit and violence, where men are to be punished if they decline, or restrained if they attempt to exercise their lawful powers. When this question was settled, the two houses adjourned for the Christmas recess.

CHAP. XIV.

GEORGE III. (CONTINUED.)—1773.

Affair of the Caribbs of St. Vincent's—Disturbances in other colonies—Augmentation of half-pay to captains of the navy—Attempts made to relieve dissenters from subscription—Affairs of the East India company—Conduct of lord Clive arraigned and defended—His death—Operations of the city faction—Statement of affairs under lord North's administration—Birth of prince Augustus Frederic, and of princess Sophia of Glocester—Wilkes's impotent efforts to annoy the king, &c.—Parliamentary reward given to Mr. Harrison—Warlike preparations of France counteracted by English diplomacy—Affairs of Ireland under lord Harcourt—Affairs of North America—Opposition of principles—Disputes between governor Hutchinson and the assembly of Massachussetts—A long delay of hostilities impracticable—Publication of governor Hutchinson's letters—Proceedings of the privy council on the subject—Franklin's examination, &c.—Petition of the colonists dismissed—Exasperation of the people at Boston on the arrival of tea-ships—Occurrences which took place in consequence—Renewed altercations between the governor and assembly—The latter votes articles of impeachment against the chief justice—Rejected by the governor—Assembly dissolved—Domestic occurrences—Military discipline—Voyage of captain Phipps—Meeting of parliament—Rev. John Horne brought to the bar of the house of commons for a libel on the speaker, and discharged—Mr. Grenville's bill for trying controverted elections made permanent.

ONE of the earliest questions which occupied the attention of parliament, when re-assembled, had been brought before it in December, but deferred till after the recess: it related to the Caribbs, or aboriginal inhabitants of the West Indian island of St. Vincent's, ceded to Great Britain at the peace; who had not been mentioned at the cession, but were in possession of the most fertile parts of the island: these the British settlers wished them to exchange for tracts which were said to be more appropriate to their occupations of hunting and fishing; but the proposal was received with indignation by a brave people, animated by an ardent love of liberty, and passionately attached to their native plains: in reply, they declared that they had held their lands independent of the king

of France, and would still hold them independent of the king of England. The planters, apprehensive of a contest with such inflexible neighbors, who could number a thousand fighting men in their tribe, submitted a plan to government for transporting them to Africa, which was too hastily accepted: the aboriginals determined on resistance; and two regiments were despatched from North America, to join about an equal number in the island, for the purpose of reducing them to subjection: the rainy season, however, and sickness, added to the difficulties of the country, prevented our troops from making much progress, until the account of these hostilities came before parliament, and was made the subject of severe animadversion. Motions concerning the cause of the war and the state of our troops gave rise to many animated debates; and though negatived by large majorities of a subservient house, excited public attention to a great degree: intelligence however at length arrived, that a peace had been concluded; in which the Caribbs acknowleged themselves subject to British laws in their intercourse with the whites, retaining their ancient customs in their intercourse with each other, and ceding certain districts to the new inhabitants. The native and negro population of provinces under other governments, about this time raised insurrections against the European settlers; particularly that of Surinam, a colony belonging to the Dutch; which nation has ever been notorious for treating its slaves and dependents with extreme rigor and injustice. The insurgents were so irritated by their wrongs, so well provided with arms, and so expert in the use of them, that it became necessary to send ships and troops from Holland, and to proceed against them as regular enemies; not so however in the punishments and executions that followed. In Brazil and Chili similar disturbances had lately arisen, to which latter country an armament was sent from Spain.

On the ninth of February a petition from the captains of the navy was presented by lord Howe, praying for a small increase of their half-pay; and though opposed by the minister, from a principle of economy, and the danger of opening a door to similar claims, a motion was carried in favor of that gallant class of men, whose allowance was increased by the addition of two shillings a day.

A farther attempt was made to relieve dissenters from subscription; and a bill, differing in many respects from that of last year, being brought in, was supported by similar arguments and similar success in the commons; but it was rejected by

the lords. On this occasion, the following observations were said to have been addressed by lord Chatham to Dr. Drummond, archbishop of York, and one of the opponents of the measure, who had called the dissenting ministers 'men of close ambition.' 'Whoever brought such a charge against them,' said his lordship, 'defamed them.' After a pause, he added:—'The dissenting ministers are represented as men of close ambition: they are so, my lords: their ambition is to keep close to the college of fishermen, not of cardinals; and to the doctrine of inspired apostles, not to the decrees of interested and aspiring bishops: they contend for a spiritual creed and spiritual worship; while we have a Calvinistic creed, a popish liturgy, and an Arminian clergy.'[14] A motion was made for a committee of the whole house of commons to consider of the subscription to the thirty-nine articles, or any other tests required of persons in the universities: but this, after a considerable debate, was rejected by 159 against 64.

During the recess the East India directors adopted a measure which prudence would have suggested earlier, in reducing their dividend to six per cent.: but this palliative was of no avail; and they were obliged to pass a vote for applying to government for a loan of £1,500,000 for four years, at four per cent., with liberty to repay it by instalments of £300,000.

The petition presented to parliament in pursuance of this resolution, proposed, that no dividend of more than six per cent. should be made until one half of the aforesaid loan was discharged; that the surplus of the net profits arising in England above that dividend should go to pay the company's bond debt, till it was reduced to £1,500,000, when the surplus profits should be divided equally between the company and the public: a request was also made by the company, to be released from heavy penalties incurred by non-payment of money due in consequence of the late acts for indemnities on tea, as also from the annual payment of £400,000 for the remainder of the five years specified in their contract. After the petition had been read, lord North exculpated government from various insinuations regarding this annual payment; and then moved a series of resolutions tending to establish the grant of a loan as a matter of necessary policy, but by no means a claim of right or justice. His proposal was that £1,400,000 should be advanced to the company, and that their

[14] Debrett's Parliamentary Register, vol. xxvii. p. 179.

dividends should be restricted to six per cent. till the whole was repaid; and afterwards to seven per cent. until their bond debt was reduced to £1,500,000; and this passed without a division. On a future day, he moved, that it would be beneficial to the public as well as to the company to leave their territorial acquisitions in their possession for a time not exceeding six years; no participation of profits between the company and the public taking place before the repayment of the loan, and specified reduction of the bond debt: that after such period, three-fourths of the company's net profits at home, above eight per cent. on its capital stock, be paid into the exchequer, the remaining fourth being set apart either for reducing the bond debt, or for any other exigences. In the course of these discussions, the minister contended, that the state had a right to territorial possessions acquired by any of its subjects through conquest: the opposition argued, that such possessions, obtained by a company exercising the purchased rights of their charter, and without any interference of the state, could not be reclaimed by it, any more than advantages gained by any other species of compact for which the granter had received a compensation. The minister however chose to consider the company as a body which had been incorporated for a particular purpose, but which was now placed in a situation totally different from the purport of its charters, protected by them still in commercial privileges, though not in territorial acquisitions: these therefore became a question of policy, to be settled on the general principles of wisdom and prudence, not of law and judicial courts.

Lord North afterwards moved, that the company should be allowed to export tea, free of duty, to the American colonies; which was deemed a very beneficial regulation, 17,000,000 of pounds being then in store: finally, he proposed his grand plan for the regulation of their affairs, as well in India as in Europe: by these, six directors were to be elected annually; but none to hold their seats longer than four years: the stock for the qualification of an elector to be raised from £500 to £1000, and possessed twelve months previous to an election: in lieu of the mayor's court at Calcutta, restricted henceforth to small mercantile causes, a new tribunal to be established consisting of a chief justice and three puisne judges, appointed by the crown; a superiority also to be given to Bengal over all the other presidencies.

These resolutions occasioned warm debates and vehement opposition, but were all eventually carried; and a bill framed

on them passed through both houses with large majorities: the first appointment made was that of Warren Hastings, chief governor, with general Clavering, the honorable George Monson, Messrs. Richard Barwell and Philip Francis, counsellors for the presidency of Bengal. From this time the affairs of India have been regarded as in the hands of government.

Whilst these measures were under discussion, many reflections were cast on the character and conduct of lord Clive, which his lordship answered in a long and eloquent harangue. Confining himself to the transactions of his last government, he showed the futility of the charges: and in the course of his speech, analysed the state of India, and exposed those enormities which degraded the English name, while they impoverished the company, and oppressed the native population. In conclusion, he detailed the advantages to be derived from the British power in the east; pointing out the dangers that menaced our prosperity, and the means by which they might be avoided. A reply was made by governor Johnstone; but it did not materially diminish the effect of lord Clive's defence, which was considered as perfectly exculpatory: but an accusation was afterwards brought against him, referring to a more distant period, when Sujah Dowla was deposed in 1757.

On the nineteenth of April, general Burgoyne, chairman of the select committee, having enumerated the distresses of India, and the acts from which they were considered to have arisen, declared that he would prosecute the principal delinquent; and therefore moved 'that the right honorable Robert lord Clive, in consequence of the power vested in him, had illegally acquired the sum of £234,000, to the dishonor and detriment of the state:' but after long debates, the last clause, 'to the dishonor and detriment of the state,' was rejected by a large majority. The charge itself was replied to at great length by his lordship, who investigated minutely the reports of the committee, and exposed the invidious manner in which they had pursued their inquiries; limiting them to his conduct, instead of connecting them with subjects of general utility: he completely vindicated himself in the deposition of Sujah Dowla; and contended that his rapid, well-timed movements had saved India: he also showed that the acceptance of presents was perfectly legal, honorable, and universally practised: 'If avarice had been my passion,' said he, 'I could have realised a fortune too large for a subject to possess.' He complained bitterly of being thus brought to plead in his own defence like a criminal: his important services ought to have rescued him from such

degradation: he concluded an animated harangue by addressing a request to the house, 'that when they came to decide on his honor, they would not forget their own.' Mr. Thurlow, who conducted the attack, strongly controverted the doctrine, that services performed at one time might be pleaded as a set-off against crimes committed at another. A very powerful defence was made by Mr. Wedderburne, who exposed the narrow and contracted views of the committees, and vindicated the general policy of lord Clive: one of his chief points of argument was the nature of the evidence, which arose principally from the accused himself, and other leading actors in the scene: it was given by gentlemen who never supposed that their testimony could affect themselves; and if the house made this a ground of prosecution, it would oblige persons to be witnesses to their own detriment; than which nothing could be more inconsistent with justice and the practice of British courts.

When his lordship had quitted the house, a motion was made, 'that lord Clive had abused the power with which he was entrusted, to the evil example of the servants of the public:' but this was stopped by a call for the previous question; and at five in the morning, a resolution proposed by Mr. Hans Stanley was passed unanimously, dividing the question, and merely asserting the fact, that he had received the sum of £234,000; with the added remark, 'that at the same time he had rendered great and meritorious services to his country.' A more straight-forward, manly course would have been to reject the motion intirely: there was now some obscurity, whether the house by implication meant to censure the fact, or to give it their sanction.

In a subsequent debate, lord Clive recapitulated the topics contained in his exculpatory speech, in order to rebut some charges made against him through the public press: but though he displayed in the whole of this inquiry great firmness, dignity, and ability, his mind never recovered its proper tone. He, who had exercised an almost sovereign power, and soared to the very heights of fame, could ill brook the indignity of stooping to the condition of a culprit, necessitated to plead in his own defence: he soon fell a victim to the mortification thus produced, and put an end to his life in a fit of delirium.

As a soldier, the intrepidity and skill of this great man have rarely been equalled: he had talents of the highest order, and on them he implicitly relied. It is said that he never but once

called a council of war, on the eve of the battle of Plassey; and then that he acted in direct opposition to its advice. The company never had a more zealous, indefatigable, efficient servant; and if the eastern empire be of any value to Great Britain, she owes it to lord Clive.

Whilst the East India regulation bill was under consideration in the house of lords, and the loan bill in the commons, a petition was presented from the company to the latter, requesting permission to decline its pecuniary assistance on the severe conditions which were annexed to it: the house, however, at lord North's suggestion, determined that the option of refusing the loan should not be left to the company; but that the acceptance of it should be made compulsatory by parliament.

The city faction being now at a low ebb, and its leaders anxious to excite the public mind, a resolution was adopted by the court of aldermen, and subsequently by the livery, 'that a frequent appeal to the people, by short parliaments, was their undoubted right, and the only means of obtaining a real representation:' and this was proposed as a test for the city candidates at a future election.

They also prepared a new address, petition, and remonstrance on the old subjects of complaint, the Middlesex election, the imprisonment of the magistrates, and the erasure of Mr. Wilkes's case from the records; praying for a dissolution of parliament and the dismissal of ministers. When this was presented to the king, his majesty said, it was so void of foundation, and conceived in such disrespectful terms, that he felt convinced the petitioners themselves did not imagine it could be complied with.

Attempts were also made to revive the popular enthusiasm for Mr. Wilkes: on the occasion of a call of the house, the sheriffs summoned him, and omitted the name of Mr. Luttrell: he himself also renewed his claim in a letter to the speaker; and a certificate of his election having been refused to him at the petty-bag office, sergeant Glynn made an unsuccessful motion, that Mr. Wilkes should be permitted to substantiate his complaint on this subject. Sir G. Saville took occasion to renew his motion relative to the rights of election, which was negatived by 201 against 151.

As the spirit of licentiousness subsided at home, colonial turbulence also decreased: commerce was improving, and our manufactures were admitted into the American provinces, especially those of the south, where the spirit of loyalty was

most prevalent: the effect of the East India bill could not as yet be ascertained; but it seemed calculated to improve the company's finances and the revenue of the state: our receipts, lately unequal to the annual expenditure, now enabled us to reduce the national debt, though not to so great an extent as had been anticipated; nevertheless the prospect was encouraging. No events had occurred to exhibit lord North as a great minister; but there were no grounds to question his capacity for conducting the affairs of the country, especially those relating to finance. In the house, though he did not aspire to the highest degree of eloquence, he was a powerful debater; and at the same time so conciliating, that among all his political adversaries he had not a personal enemy. In the zenith of his fame, after the close of this important session, which took place on the first of July, his lordship repaired to Oxford, to be installed chancellor of the university, and to preside at the *encœnia* held in honor of that event.

On the twenty-fifth of January this year, the queen was safely delivered of another son, Augustus Frederic, the present duke of Sussex; and on the twenty-third of May was born the princess Sophia of Glocester; on which occasion Mr. Wilkes, instigated by a desire of annoying their majesties, made a motion for an address in common council; this effort however of wanton insolence failed, because it is not usual for the city to address the king, except for the issue of his immediate heir. Wilkes himself was called to account in September by the court of aldermen for aspersions on the character of the lord mayor, and in November was himself a candidate for the mayoralty, but without success. In June the additional sum of £8750 was voted by parliament to Mr. Harrison, as a farther reward and encouragement for his invention of a time-keeper.

In the early part of the year considerable agitation was caused by extraordinary exertions made in the ports of France to fit out ships of war. For some time past the government of that country had been verging rapidly towards decay. Where there is no public press, and consequently no expression of public sentiment, the tone of politics will depend chiefly on the personal character of the court. Louis XV. and his ministers were so absorbed in the vile intrigues of a palace, that they had no time to enter into enlarged views of foreign diplomacy, or sound plans of domestic government; and whilst the cabinets of Petersburg, Vienna, and Berlin were occupied in schemes of uncontrolled ambition, the court of Versailles

was debating whether the dauphiness should be compelled to visit the king's mistress. At this period, however, when Russia, not contented with the plunder of Poland and attempted dismemberment of Turkey, threatened also the independence of Sweden, the only ally except Spain that was left to France, this latter power exhibited some faint remains of ancient spirit, in making preparations to send a powerful fleet into the Baltic. D'Aiguillon, emulous of his predecessor's fame, had overcome the reluctance of the king, and the opposition of a majority in the council; but was unable to elude the vigilance or to baffle the penetration of the British cabinet.

In a conversation with lord Stormont, in which he dwelt largely on the ambitious designs of Russia, as well as the ties of honor and interest by which France was bound to assist Sweden, he was informed by the English ambassador, that if France sent her ships into the Baltic, they would instantly be followed by a British fleet; that the presence of two fleets would have no more effect than a neutrality; and however his court might desire to preserve the harmony now subsisting between England and France, it was impossible to foresee the contingences that might arise from accidental collision. These representations produced some effect; and the squadron at Brest was countermanded: still, in hopes of eluding observation, the French minister gave orders for the equipment of an armament at Toulon, under pretence of exercising the sailors in naval tactics. On receiving intelligence of these renewed preparations, the British cabinet made instant and vigorous demonstrations of resistance: lord Stormont was ordered to declare, that every argument used respecting the Baltic applied equally to the Mediterranean: a memorial also was presented to the French minister, accompanied by a demand that it should be laid before the king and council: this produced the desired effect; the armament was countermanded, the sailors disbanded, and the chances of an extended warfare avoided. In fact, a pacific policy was the aim of lord North in order to preserve his power: he was also anxious to maintain a good understanding with Russia, on account of the commercial advantages arising from the connexion: he thus effectually served the cause of his ally, and facilitated the treaty of peace which was concluded next year between Russia and the Porte.

Lord Townshend had been succeeded in his government of Ireland by the earl of Harcourt, November 28th, 1772: this

nobleman was received with great joy by the Irish; and being of an amiable character and easy disposition, he yielded a ready obedience to the will of his employers. The new system having been established by the energy and perseverance of his predecessor, he had few difficulties to encounter: the chief labor was thrown on his secretary; and so little attention did he give to politics, that nearly a year elapsed before a parliament was called together: when however that assembly met, the spirit of Irish liberty began to manifest itself; and the speaker of the house of commons, in a speech to his excellency before the lords, expressed the inability of the country to endure any additional taxation, by reason of those commercial restrictions which fettered all its energies.

During the government of this viceroy, the claim of commercial freedom was strongly repeated in the official addresses of the speaker; the spirit of political jealousy appeared in the refusal of admission to foreign mercenaries when the British troops were withdrawn to America, though the English government offered to defray all the expenses; and the system of bettering the condition of the Roman catholics commenced by a relaxation of the penal code. 'The government of lord Townshend,' says Dr. Miller, 'had terminated the oligarchical administration; that of lord Harcourt unfolded those germs of political energy, which were soon to expand themselves into national prosperity and importance.'[15]

We must now advert to the affairs of the American provinces, where a storm was rising which eventually severed those vigorous branches from the parent stem. The desire of independence had taken root during the French war; at which period the colonists were taught how great a superiority even their undisciplined valor and activity gave them over enemies unaccustomed to the natural difficulties of an uncultivated country and of inclement seasons: and this desire, which would naturally increase with the increasing prosperity of the states, was forced by the constant emigration of discontented foreigners, and by that discussion of moral and political rights, which formed a part of the national education: such was remarkably the case in New England, where the germ of the revolution was fostered and matured; and where characters of great energy and intelligence arose, well fitted to produce a collision, by pushing the opposite principles of liberty and allegiance to their full extent. Among those resolute, unwavering

[15] History philosophically illustrated, vol. iv. p. 466.

spirits, who particularly distinguished themselves in what appeared to them a patriotic cause, were James Otis, Samuel Adams, and John Hancock; men, whose zeal would have led them to sacrifice property, and life itself, for the maintenance of their principles; and who, in the legislative assembly of their state, resolutely opposed every measure, which they considered as encroaching on popular rights, whether attempted by the local governors or by the British parliament. The most inflexible, and at the same time the most energetic of their opponents, was governor Hutchinson; a man of high attainments, born in the province, and intimately acquainted with its history and constitution; who, in his controversies with the colonial legislature, never lost sight of that theory which maintained that it was subordinate to, and dependent on, the parent state. His management of these disputes, conducted with all the coolness, circumspection, and acuteness which distinguished his character, had a material effect in hastening the revolution; for it quickly drove the assembly to the necessity of either renouncing or avowing its principles. The colonists had hitherto acknowleged a general dependence on the mother country, though the nature and extent of that dependence had never been accurately defined: hence it happened, that principles were frequently taken up and opinions delivered, which struck at the root of all dependence whatsoever: but these were never overlooked by the penetration of governor Hutchinson; who, disdaining to confine himself to particular cases, was in the habit of tracing the principle asserted through all its consequences, and carefully distinguishing between a right itself and the injudicious or incautious exercise of it. In Great Britain it was generally asserted, that parliament possessed an uncontrolled power over the colonies; but in America, at different times and in different provinces, sentiments varied on the subject: in New England public opinion was loose and unsettled on this point; and though the legislature had practically acquiesced in acts of the British parliament; yet, to save appearances, they had, as it were, adopted those acts by decrees of their own. In their addresses they had incidentally spoken of parliament as the supreme legislating and superintending power over the whole empire; but had taken care to qualify their expressions by adding, that the exercise of a supreme legislating power was always to be limited and controlled by the constitution; and by insisting on the impracticability of the colonies being represented in the British parliament; in consequence of which they

had been allowed to have legislatures of their own, which were to be as free as a due subordination to the supreme legislature of the whole empire would permit; but how much of freedom or of power this would leave them, had long been a point which they cautiously avoided to explore: lately, however, so much controversy on the subject had prevailed in the state of Massachussetts, that men's minds were prepared to discuss the question; and as the supremacy of parliament had been denied in a town-meeting at Boston, the governor availed himself of this circumstance, to meet the assembly in the session of 1772 with a long and elaborate argument in opposition to their sentiments. The answer returned to this official document by the council rested on the old ground of an acknowleged dependence on parliament, within the limits prescribed by the constitution: these they declined to define, but asserted that by them the power of taxation was intirely excluded. The house of representatives boldly met the governor in all his positions; and after an ample discussion of them, put forward the following observations:—'Your excellency tells us, you know of no line that can be drawn between the supreme authority of parliament and the total independence of the colonies: if there be no such line, the consequence is, either that the colonies are vassals of the parliament, or that they are totally independent: as it cannot be supposed to have been the intention of the parties in the compact, that we should be reduced to a state of vassalage, the conclusion is, that we were independent. It is impossible, your excellency says, that there should be two independent legislatures in one and the same state: may we not then farther conclude, that it was their sense, that the colonies were, by their charters, made distinct states from the mother country? You add,—'for although there may be but one head, the king; yet the two legislative bodies will make two governments as distinct as the kingdoms of England and Scotland before the union.'—Very true, may it please your excellency: and if they interfere not with each other, what hinders, but that being united in one head and common sovereign, they may live happily in that connexion, and mutually support and protect each other?'[16]

This was the most explicit disavowal of dependence on the parliament that had been yet made by any colonial assembly. Governor Hutchinson, who probably did not anticipate so bold a reply, was obliged to forward another message in support of

[16] Massachussetts State Papers, p. 36.

his argument; and this called forth a second answer from the house, defending at great length and corroborating the principles asserted in their first.

Even on the question of regal supremacy, the assembly was driven by the governor from the position they had taken up. As long as they had discriminated between prerogative and the abuse of it, referring to this latter cause the removal of the legislature from its ordinary seat, for the purpose of drilling them into submission, they stood on ground easy to be defended: but when they asserted, that, by royal grant in their charter, the governor, as the representative of majesty, had the sole power of adjourning, proroguing, and dissolving the assembly, and thence inferred that the king had divested himself of all authority on the subject;—when also they declared that the governor was under no obligation to hold a court at Cambridge, however peremptory his instructions might be, 'since it was inconvenient and injurious to the province, whereas prerogative extends not to injurious acts;'—Mr. Hutchinson very justly asked—'what pretence can there be to distinguish this from any other power; or what exercise of power can there be, pursuant to the charter, by force of an instruction, if this is not? If it be said, that in other instances also of power given to the governor, to be used according to his discretion, the king has parted with his prerogative; the reserve made by the crown, to give instructions to the governor, can in no case whatever have any effect.'—'If it be intended, that when the governor, by his majesty's order, convenes the assembly at a time or place which seems to them inconvenient or improper, they have therefore a right to refuse to appear, or refuse to proceed to business, or that they have a right to continue to sit after the governor has prorogued or dissolved the assembly, in their judgment unreasonably or unnecessarily, will not this imply a contradiction? Is it not allowing a full power to do a thing, and at the same time admitting a power to defeat it?'[17]

So again with regard to the salary allowed to the governor and judges; when the assembly contended for the propriety of keeping both the executive and judicial branches of government dependent on themselves by means of annual grants, it could only be said, that they risked the operation of a bad principle in politics, in order to prevent the evil of an increased dependence on the mother country: but having in their argument

[17] State Papers, p. 319.

spoken of a government of checks and balances, and the necessity of one branch being a check on another, Mr. Hutchinson took the opportunity of declaring, 'that the mutual check, which one branch of the legislature ought to have on the other, consists in the necessity of a concurrence of all the branches, in order to a valid act; and when one branch withholds this concurrence, it is properly a check on the other two. Now the same check will remain in each branch whether the governor's salary be paid by the crown or by the province.' 'This check,' said he, 'does not affect that freedom and independence in each branch which is the glory of the English constitution; and which will not admit that any one should be compelled by the others to an act against its judgment.' After a full illustration of these ideas, he goes on to say; 'I am sensible that when all other exceptions to this representation of your constitution are taken away, you will ask, what security have we against the oppression of a governor? The answer is obvious: the law and the constitution are your security: if he depart from them, there is a power superior to him, to which he is accountable for his mal-administration. This is all the redress which can subsist with the nature of a subordinate government.'

This was perfectly true; but such arguments could not fail to produce an effect on the ardent and intelligent minds to whom they were addressed: that effect however was different from what was calculated on by the governor. The colonists felt that such a mode of obtaining redress was little better than none at all: experience itself had showed them its futility; for how often had they appealed in a constitutional manner against encroachments on their supposed rights! and how often had their appeals been treated with disdain, or made pretexts for new aggressions![18] Hence they were led to ask, whether there was not something in the very nature of a subordinate

[18] So at least the colonists argued. 'The people of America, says Franklin, 'are extremely agitated by the repeated efforts of administration to subject them to absolute power. They have been amused with accounts of the pacific disposition of the ministry, and flattered with assurances that on their humble petitions all their grievances would be redressed. They have petitioned from time to time; but their petitions have had no other effect than to make them feel more sensibly their own slavery. Instead of redress, every year has produced some new manœuvre, which could have no tendency but to irritate them more and more.'—Memoirs, vol. i. p. 283.

government inconsistent with civil liberty; something in their civil institutions to which the feelings of freemen never could be reconciled?

From this time the controversy increased in violence and bitterness, until it became transferred from the pen to the sword. That it was the policy and fixed determination of the leading party of Massachussetts to bring it to that decision, if no other road to independence lay open, is very evident: however we may rail at their virulence and ingratitude, this was their settled purpose, in the prosecution of which they never lost sight of a certain plan and method. As the time for action was not yet arrived, the spirit of the people was to be kept in a state of perpetual excitement against a government which they were taught to hate, until the other colonies should catch the flame, and all be prepared at once to cast off the yoke. The time for reconciliation was even now past: what hope indeed could have been entertained of any advantage from such a reconciliation as would have satisfied England, flushed with her victories in the late war, and indignant even at the terms of a peace which had bowed her enemies in the dust? And what permanency could have been expected to a nominal obedience, from provinces of such vast extent, separated from the mother country by the Atlantic, and arrived at a pitch of prosperity which entitled them to take their station among the great powers of the world? The first European war in which England should have engaged, would have set them free, and perhaps with consequences most calamitous to the parent state.

The seat of legislature had now for some time been restored to Boston, more to suit the governor's convenience than from any deference to the wishes of the assembly; and the plan had been carried into effect, of rendering the chief magistrate, as well as the judges, independent of the province: besides, the personal animosity which had long subsisted between the republican leaders and the governor was this year brought to a crisis by a singular combination of circumstances.

During the course of their disputes, certain letters had been written by Mr. Hutchinson, Mr. Andrew Oliver, lieutenant-governor, and some other gentlemen of the province, to an official personage in England,[19] reflecting strongly on the character of the colonial opposition, and recommending, not

[19] Thomas Whately, Esq. M.P. private secretary to Mr. G. Grenville.

only the adoption of coercive measures, but a material change in the system of chartered government. 'There must be an abridgment,' said Mr. Hutchinson, 'of what are called English liberties; for a colony cannot enjoy all the liberty of a parent state:' he also expressed 'his hopes that provision for dissolving the commercial combinations, and for inflicting penalties on those who do not renounce them, would be made by parliament.' Mr. Oliver intimated, that the great officers of the crown ought to be made independent of the people, it being a difficult matter to serve two masters: the government, he affirmed, had been too weak to subdue the turbulent spirits of the colony; and he insinuated the expediency of 'taking off' those persons whom he styles the 'original incendiaries:' he also recommended the institution of an order of patricians, and asserted the necessity of an 'alteration of the charters.'

These documents had been purloined from the office in which they were deposited, by some person favorable to American interests, and placed in the hands of Dr. Franklin: he, as agent for Massachussetts, thought proper to transmit them to a friend in that province; considering it fair, that, as the contents had been made public and circulated in this country, they should also be made known to those whom they so nearly concerned in America: an injunction however was added against their being copied or printed, consistently with a promise he had himself given to that effect. When the letters arrived at Boston they were shown to many persons; and the knowlege of their contents having reached the legislative assembly, that body obliged Dr. Franklin's correspondent to produce them, engaging that they should not be published. The intelligence however which they conveyed appeared so important to the assembly for the furtherance of the designs they had in view, that instead of adhering to their engagement, they printed the letters, and circulated them as far and wide as possible, in order to exasperate the colonists against their rulers. Having unanimously resolved that the tendency of these writings was to overthrow the constitution, and to introduce arbitrary power into the province, they voted a petition to the king that he would remove Messrs. Hutchinson and Oliver for ever from the government of Massachussetts; since their conduct had a natural and efficacious tendency to interrupt and alienate the affections of his majesty from his loyal province, and to destroy all harmony and good will between Great Britain and the colonies.

This petition being transmitted, together with attested copies

of the letters, to Dr. Franklin, was by him delivered to lord Dartmouth; and on its presentation to the king, his majesty signified his pleasure that it should be laid before the privy council.

In the mean time, as Mr. Whately, to whom the letters had originally been addressed, was dead, a sharp correspondence had been carried on in the public papers between his surviving brother and Mr. John Temple; the former of these gentlemen wishing to avoid the charge of giving up the documents, the latter that of purloining them; and the dispute ran so high, that a duel was the consequence, in which Mr. Whately was wounded. Dr. Franklin then felt imperatively called on to acknowlege his own agency in the transaction: accordingly he sent a letter to the Public Advertiser, in which he declared, 'that he alone was the person who obtained and transmitted to Boston the letters in question; that he did not consider them of the nature of private letters between friends; that being written by public officers to persons in public stations, on public business, and to procure public measures, they were therefore handed to other public persons, who might be influenced by them to produce those measures; that their tendency was to incense the mother country against her colonies, and by the steps recommended to widen the breach; which they had effected. The chief caution expressed with regard to privacy, was to keep their contents from the colonial agents; who, the writers apprehended, might return them, or copies of them, to America: which apprehension was well founded; for the first agent who laid his hands on them thought it his duty to transmit them to his constituents.'

Previously to the discussion of the petition by the privy council, Mr. Israel Mauduit, who acted as agent to the governor of Massachussetts, applied to their lordships for permission to attend, and to be heard by counsel, before any report should be made: this request was acceded to; and at a meeting of the council on the eleventh of June, 1774, Dr. Franklin was summoned in his official capacity to support the petition; when he also, after pleading ignorance of the course that had been adopted, prayed for permission to employ counsel; which being conceded, the meeting was adjourned to the twenty-ninth. On that day, Mr. Dunning, afterwards lord Ashburton, with Mr. John Lee, appeared for the state of Massachussetts; and Mr. Wedderburne, afterwards lord Loughborough, for the governor and lieutenant-governor.

The counsel for the assembly being first heard, Mr. Dun-

ning endeavored to substantiate their complaints, by exhibiting the letters which had been published, and drawing an inference from them, that the writers were unworthy of confidence either from the government or the province: in the course of the argument, he alleged, that Mr. Hutchinson by one declaration alone had justified all the complaints made against him, and he called for an immediate dismissal of an officer so hostile to the rights and liberties of his countrymen. The man who had declared that 'there must be an abridgment of English liberty in the colonies,' was justly charged with 'making wicked and injurious representations, designed to influence the ministry and the nation, and to excite jealousies in the breast of the king against his faithful subjects.'

Mr. Wedderburne, after reviewing the arguments of the opposite counsel, and passing an eulogy on the loyalty and services of his clients, directed himself to an inculpation of the assembly and people of Massachussetts; in the course of which he attacked Dr. Franklin, who had become very obnoxious to ministers, in the following strain of bitter invective, on the ground of having violated private confidence in the disclosure of the letters:—'These letters,' said he, 'could not have come to Dr. Franklin by fair means: the writers did not give them to him, nor yet did the deceased correspondent, who, from our intimacy, would otherwise have told me of it: nothing then will acquit Dr. Franklin of the charge of obtaining them by fraudulent or corrupt means for the most malignant of purposes, unless he stole them from the person who stole them.[20] This argument is irrefragable.'—'I hope, my lords,

[20] In a memoir of Hugh Williamson, M.D., published at New York in 1820, it is asserted that he was the person who put these letters into the hands of Dr. Franklin; and his biographer gives the following account of the manner in which he became possessed of them, which is not very creditable to the doctor's moral principles. The quotation is taken from the North American Review, vol. ii. p. 32. The reviewer, although he suggests some doubts on the fact, is altogether inclined to credit it:—

'Dr. Williamson had now arrived in London. Feeling a lively interest in the momentous questions then agitated, and suspecting that a clandestine correspondence, hostile to the interest of the colonies, was carried on between Hutchinson and certain leading members of the British cabinet, he determined to ascertain the truth by a bold experiment. He had learned that governor Hutchinson's letters were deposited in an office different from that in which they ought regularly to have been placed; and having understood that there was little exactness in the trans-

you will mark and brand the man, for the honor of this country, of Europe, and of mankind. Private correspondence has hitherto been held sacred in times of the greatest party rage, not only in politics, but religion.'—'He has forfeited all the respect of societies and of men. Into what companies will he hereafter go with an unembarrassed face, or the honest intrepidity of virtue? Men will watch him with a jealous eye; they will hide their papers from him, and lock up their escrutoires: he will henceforth esteem it a libel to be called a man of letters; *homo trium literarum!*'—'He not only took away the letters from one brother, but kept himself concealed till he nearly occasioned the murder of the other. It is impossible to read his account, expressive of the coolest and most deliberate malice, without horror.' [Here he read the letter of Dr. Franklin in the Public Advertiser.] 'Amidst these tragical events; of one person nearly murdered, of another answerable for the issue, of a worthy governor hurt in his dearest interests, the fate of America in suspense;—here is a man, who, with the utmost insensibility of remorse, stands up, and avows himself the author of all. I can compare it only to Zanga, in Dr. Young's Revenge:—

> Know then, 'twas I;
> I forged the letter; I disposed the picture;
> I hated, I despised, and I destroy.

I ask, my lords, whether the revengeful temper, attributed by poetic fiction only to the bloody African, is not surpassed by the coolness and apathy of the wily American?'

From the foregoing passages some idea may be formed of this celebrated philippic, which, it is said, afforded great

action of business at that office, (it is believed that it was the office of a particular department of the treasury) he immediately repaired to it, and addressed himself to the chief clerk, not finding the principal within. Assuming the demeanor of official importance, he peremptorily stated that he had come for the last letters that had been received from governor Hutchinson and Mr. Oliver, noticing the office in which they ought regularly to have been placed. Without a question being asked, the letters were delivered; the clerk doubtless supposing him to be an authorised person from some other public office. Dr. Williamson immediately carried them to Dr. Franklin, and the next day left London for Holland. I received this important fact from a gentleman of high respectability now living; with whom, as the companion and friend of his early days, Dr. Williamson had entrusted the secret.'

amusement to the council, many members of which laughed outright, not excepting lord Gower himself, the president. 'No person,' says Dr. Priestley, who was present at the examination, 'behaved with decent gravity except lord North.' Franklin himself is said to have heard all with great composure, standing erect, and not suffering the slightest alteration of his countenance to be visible: he appeared in a full dress suit of spotted Manchester velvet; and how deeply he felt the indignity thus lavished on him, may be inferred from the circumstance of his religiously keeping that suit of clothes, once more only to put them on—when he signed the treaty of alliance between France and America at Versailles. His immediate dismissal from the office of deputy postmaster general for the colonies was scarcely necessary to perpetuate that feeling of resentment against the British government, which he thus expresses in a letter to his son:[21]—'From the time of the affront given me at the council-board, I never attended the levee of any minister: I made no justification of myself from the charges brought against me: I made no return of the injury by abusing my adversaries; but held a cool sullen silence, reserving myself to some future opportunity.' That opportunity was not far distant. In the mean time, the result of the council's deliberation was a report, stating that the petition was founded on resolutions, which were formed on false and erroneous allegations; that it was groundless, vexatious, scandalous, and calculated only for the seditious purpose of keeping up a spirit of clamor and discontent in the province: that nothing had appeared to impeach in any degree the honor, integrity, and conduct of the governor or lieutenant-governor; and their lordships were humbly of opinion that the said petition ought to be dismissed:' which recommendation was acted on by his majesty.

Whilst the spirit of opposition was so high in New England, intelligence was received there of the act which permitted the East India company to export tea free of duty to all parts of the world except America, where it was subjected to an impost of three pence per pound. Soon the press began to teem with invectives against this attempt to establish a precedent for taxation, representing it as only a prelude to future impositions, and predicting a window-tax, or even a poll-tax, as its probable consequences: the strongest measures were taken, in most provinces, to compel the consignees of tea to

[21] Memoirs of B. Franklin, vol. i. p. 431.

renounce their agencies; and in Boston, where these functionaries refused to submit to popular dictation, the mob surrounded their houses, broke the doors and windows, tarred and feathered some of the most obnoxious among them, and forced the rest to take refuge in Castle-William: the governor's proclamation for suppressing these tumults was derided, and the sheriff insulted whilst he attempted to read it.

In the mean time, the Dartmouth East-Indiaman laden with tea arrived at Boston, and cast anchor below the fort: on this, the people called together a general body-meeting, which was attended by vast multitudes, before whom the owner of the vessel was summoned: he was then required to bring his ship to the wharf, though his compliance, as they well knew, would compel him to enter his cargo at the custom-house, which allowed him twenty days to land it and to pay the duty. They then passed a resolution that the tea should not be landed nor the duty paid, and that it should return to England in the same bottom: but as the ship was now entered at the custom-house, it could not be cleared out unless the duties were paid; nor would the governor rescue the captain from his dilemma, by permitting him to pass Castle-William without a certificate from the custom-house officers; though he might have recollected that his predecessor had granted permits for sailing to many ships unqualified for want of stamps, and that the prudence and propriety of his conduct on that occasion had never been called in question. Mr. Hutchinson seems to have entertained an opinion that the British government at this time was not unwilling to bring matters to a crisis by a direct collision; for in a subsequent declaration he somewhat unwarily assigned as one of his reasons for this refusal, 'that by a compliance with the demand of the people he should have rendered himself obnoxious to his sovereign.'

The meeting, fearing lest the tea might be clandestinely put on shore, set a guard to watch the vessel; having rejected with disdain an offer made by the consignees, to land the cargo, and store it under the care of a committee of the townsmen, until orders could be received from England. In the mean time two other ships freighted by the East India company arrived; the guard was unexpectedly withdrawn, or its renewal omitted; when a large party of armed men, disguised as Mohawk Indians, taking advantage of this opportunity, boarded the vessels, split open the tea-chests, and having emptied their contents into the sea, returned, without being discovered, into the city. In all the other American ports, measures were

taken to prevent the cargoes of tea-ships from being landed, except at Charlestown in South Carolina, where a large quantity of tea was stored in a damp cellar, and there kept until it was completely spoiled. At Annapolis, a brig having arrived when the court was sitting, and a vast multitude collected together from the neighboring districts; the people were so irritated, that personal violence to the captain and consignees, as well as destruction to the cargo, was apprehended. In this emergency, the owner applied to Mr. Carroll of Carrolltown, a gentleman of great weight and authority in the province, for advice and assistance, by whom he was exhorted to burn the vessel with its cargo to the water's edge, as the most effective means of allaying the popular excitement: this counsel was followed; the sails were set, the colors displayed, and the brig burnt amidst the acclamations of the populace.[1]

But no where was the spirit of opposition so systematic and determined as at Boston: at that place the people went so far as to burn the governor and lieutenant-governor in effigy; whilst the assembly, as if animated by the popular proceedings, renewed their personal contests with Mr. Hutchinson; and began by voting articles of impeachment against the chief justice, Peter Oliver, for a design of introducing a partial, arbitrary, and corrupt administration of the laws; in consequence of his having declined to receive the annual grant from the assembly, and accepted a stipend from his Britannic majesty.

In a letter addressed to the house, the chief justice entered into a vindication of his conduct; but was unable to appease the assembly's indignation, who passed the vote of impeachment by a very large majority. The message conveying this resolution was indignantly rejected by the governor, who disclaimed all power of determining on cases like the present; and as the house persevered in attempting to force it on him under a different form, he dissolved the assembly, and dismissed the members with a speech, containing, among other terms of severe reprehension, the following rebuke and menace:—'As some of your votes, resolves, and other proceedings, which you have suffered to be made public, strike directly at the honor and authority of the king and parliament, I may not neglect bearing public testimony against them, and making use of the power vested in me by the constitution, to prevent your farther proceeding in the same way.'

[1] Life of C. Carroll, in the American Portrait Gallery, No. 1.

Among the domestic occurrences of this year, it is recorded that a sergeant of the guards was sentenced to be shot for the crime of enlisting men for foreign service: he was however reprieved, and ordered to receive 900 lashes! When the tremendous severity of military punishment is taken into consideration, we are astonished that such a sentence could have been passed under the plea of mercy, in a christian country, and with the sanction of such a monarch as George III. Yet, strange to say! this system of military torture long went on, increasing in severity, degrading the army and disgracing the nation, but applauded by the most eminent of our statesmen and commanders, until a list of horrors might have been compiled from the sentences of courts martial, that would have startled an Indian savage or disgraced the code of a Turkish pacha. It is not denied, that a summary mode of punishment must at times be resorted to for the maintenance of discipline in the army; but no necessity ever could have existed for carrying it to such an extraordinary degree of barbarity as was practised in this country, either for the sake of individual correction or of general example: this indeed seems acknowleged by the more liberal and christian spirit of the present age; and however the exertions of Sir Francis Burdett may have been disparaged by some, who could see nothing but revolution in the reform of the most flagrant abuses; posterity will duly appreciate his services; and the laurels which he won in this contest of mercy will continue to florish, when those of many a hero and politician shall have faded and decayed.

On the twentieth of September, the Sea-horse, and Carcass, under the command of the honorable captain Phipps, returned from an expedition to the North seas, but without having made any discoveries worthy of notice.

Parliament met on the thirteenth of January; but so little was yet known of the colonial disturbances, that foreign affairs were represented in the king's speech to be such as afforded full leisure for the legislature to attend to the improvement of our domestic concerns, and to the prosecution of measures immediately connected with the revenue and commerce of the kingdom: the deteriorated state of the gold coin was mentioned as an object requiring particular attention. The address in both houses was carried without a division or debate; but in a discussion respecting the supplies, complaints were made by the opposition of a great increase of

expense in the naval and ordnance departments, as well as of a general want of economy in the expenditure of the public revenue; nor could ministers answer these charges without a considerable degree of embarrassment.

In the early part of the session public attention was excited by some proceedings of the commons, occasioned by a libel on their speaker, in the Public Advertiser, accusing him of gross injustice and partiality. Sir Fletcher Norton having made his complaint, and obtained the testimony of alderman Sawbridge who knew the circumstances of the case, in favor of his conduct, declared himself satisfied: but the house thought proper to vindicate its own dignity; and having unanimously voted the paper a libel, issued an order for the printer to attend at its bar. Mr. Woodfall obeyed without hesitation; and being interrogated as to the author, gave the name of the Rev. John Horne, and was then ordered into the custody of the sergeant at arms. Mr. Horne being next brought before the house, contrived to extricate himself from the charge with much ingenuity: having inquired whether Mr. Woodfall's declaration was to be taken as evidence, or as the charge against him, after some hesitation, he was told that it constituted the charge: he then pleaded not guilty, as in an ordinary court: the house was embarrassed; the printer was again called in, and confronted with Mr. Horne; but as he was implicated in the guilt of the publication, his testimony was insufficient to warrant conviction: three of Mr. Woodfall's journeymen also were brought to the bar of the house; but they failed in proving the accusation, and Mr. Horne was discharged.

On the twenty-fifth of February, Sir Edward Stanley, anticipating a dissolution of parliament, moved for leave to bring in a bill to render perpetual the law introduced by the late Mr. Grenville, for trying the merits of controverted elections. The motion produced an animated debate, but finally passed; and put an end for ever to the system which formerly disgraced the house, and which was thus described by lord George Germaine in his speech on this occasion:—'The parties used to apply to one set in the house to be their managers; to another set to give their attendance and interest: to a third set, with whom they were intimate, they would apply for their votes; and to the lazy part of the house they would say, We won't trouble you to attend the dry examination of witnesses; only let us know where you will be; and when the question is going to be put, we'll send you a card.' Thus, as Dr. Johnson justly

observes,[2] the nation was insulted with a mock election, and the parliament was filled with spurious representatives; one of the most important claims, that of a right to sit in the supreme council of the kingdom, was debated in jest; and no man could be confident of success from the justice of his cause. A disputed election is now tried with the same scrupulousness and solemnity as any other title.

[2] In his Patriot.

CHAP. XV.

GEORGE III. (CONTINUED.)—1774.

News of American disorders arrives in England—Proceedings in parliament on the subject—Boston port bill—Debates on it, &c.—Is carried, and receives the royal assent—Bill for better regulating the government of Massachussetts-bay—Discussion on the policy of repealing the tea duty—Mr. Burke's speech—Massachussetts-bay bill read a second and third time, and passed—Bill for the impartial administration of justice in the province of Massachussetts—Debates on it—Is passed—Lord Chatham reappears in the house of lords—His speech on a bill for quartering troops in America—Advises conciliatory measures—Reflections on the subject, and the approaching contest—Bill for settling the administration of Canada—Debates thereon—Is passed—Law respecting copyright of books—Foreign events—Birth of prince Adolphus Frederic—End of the session of parliament—King's speech—Proceedings in Massachussetts—General Gage appointed governor—Assembly meets—General Gage announces the necessity of removing it to Salem—Turbulent proceedings of the assembly—Appointment of a committee—Assembly dissolved—Spirited conduct of the people of Salem, &c.—Proceedings of other colonies—Solemn league and covenant at Boston—General Gage fortifies Boston-neck—The new council appointed—Most of its members resign—Colonists begin to make military preparations—General Gage seizes on the stores, &c.—Meeting of delegates from the towns of Suffolk county—Acts and proclamations of the same—Remonstrance to the governor, and his answer—He dissolves the new assembly—Opposition to this resolution—Provincial congress appointed—Remonstrance to the governor—His reply—Proceedings of the congress—Assembling of the great national congress at Philadelphia—Declarations, resolutions, and addresses—Congress breaks up, after appointing another meeting in the ensuing year—Effects of its decrees—Dissolution of parliament—New one assembles—Debates on the address, &c.—Reports from America during the recess—Determination of government—Business after the recess—His majesty refuses to receive the petition of congress; so also does the parliament—Lord Chatham's speech proposing an address to the king—His provisional act, and debates thereon: thrown out—Lord North's coercion bill—Debates on it—Augmentation of forces—Bill for restraining the commerce of New England—Debates, &c.—Lord North's conciliatory motion; and debates, &c.—Mr. Burke's plan of reconciliation—His speech on it—Plan rejected—He publishes it—Dr. John-

son's publication on the subject—Mr. Hartley's motion—Remonstrance of the city to the king, &c.—Attempts to repeal the Canadian act—Other parliamentary business—The king prorogues parliament—Dr. Franklin leaves England—Considerations with regard to European states.

At length intelligence of the late alarming transactions in America arrived in England; and lord North, having previously delivered to the house a message from the king, in which a design was intimated of correcting and preventing such disorders, submitted to its inspection a vast mass of documents from persons in authority on the other side of the Atlantic. After an address had been returned to his majesty, strongly expressing the readiness of the house to comply with the purport of the royal message, the minister moved, on the fourteenth of March, for leave to bring in a bill 'for the immediate removal of the officers concerned in the collection and management of his majesty's duties and customs, from the town of Boston; and to discontinue the landing and discharging, lading and shipping, of goods, wares, and merchandise at the said town of Boston, or within the harbor thereof.' His lordship entered into a justification of the governor's conduct, as dictated by discretion and good policy, for the security of the East India company's property, the safety of the consignees, and the preservation of tranquillity in the town. The military forces and ships of war might have been called in to save the tea from destruction; but as the leading men of Boston had always deprecated such interference, ascribing to it present disturbances and future heart-burnings, he had prudently declined a measure which would have irritated the people; and had hoped, by this confidence in their conduct, and trust reposed in the civil power, that he should have calmed their apprehensions and preserved the public peace. His lordship went on to justify the proposed measure, by observing, that our merchandise could no longer be safe in the harbor of Boston, and it was necessary that some other port should be found for our commercial transactions: it was no new thing, he alleged, for a whole town to be amerced where its authorities had been inactive; instancing the city of London, which was fined, because Dr. Lamb was killed by some unknown persons in the time of Charles I.; Edinburgh, which suffered a punishment in the affair of captain Porteous; and Glasgow, where the house of Mr. Campbell was pulled down, and part of the town-revenue was sequestered to repair the damage. Boston, he observed, was much more criminal

than these places; as it had been for upwards of seven years the focus of tumult, and the originator of all colonial disturbances. He then entered into a detail of the outrages lately committed there; and observed, that a clause in the bill would prevent the crown from re-establishing the commerce of its port until complete satisfaction was made to the East India company for the loss of their tea. He trusted that the town of Boston would either discover the offenders and sue them for reparation, or that the assembly would pass an act to levy the money in the most equitable manner. Whilst he deeply regretted the necessity of punishment, he hoped for that unanimity which would give strength to the measure: the authority of this country had been openly denied by our colonists; we must now punish, control, or submit to them.

The motion was slightly opposed by Mr. Dowdeswell, who asked for evidence of general concurrence in the inhabitants of Boston, and argued against the analogy of lord North's examples; but it was carried without a division: the bill was twice read, and committed.

In the committee, Mr. Bull, the lord mayor, presented a petition from some Americans resident in London, stating it to be an inviolable law of natural justice that no cause should be condemned unheard, or without evidence; and asking, by what rule the capital of Massachussetts could be punished for a civil injury committed by persons not known to belong to it? The petitioners also drew a distinction between the instances quoted in arbitrary times, to sanction the proposed measure; and the case of Boston, which had not the executive power in its own hands. They ascribed much blame to the governor, who had taken no measures to prevent these disturbances; and declared that a proceeding of such severity and injustice would sink deep into the hearts of the Americans, and alienate them from those for whom they had hitherto preserved the strongest feelings of filial attachment.

The reply to the pleas urged in this petition was, that the case called for immediate redress: it would ill become the dignity of parliament to let the execution of justice be evaded by subterfuge; and it was asked, if the house doubted either the reality of the offence, or its own competency to take cognisance of it? Lord North would not undertake to say what would be the consequence of the proposed measure; but that it would be salutary and effectual, was his firm opinion.

The opposition to this bill was reserved for its third reading. Governor Johnstone predicted, that its effect would be to

raise a general confederacy against Britain: the question of taxing America for the purpose of revenue, he said, might palliate resistance, if the subject had never been disputed in this country: but after the highest characters of the state had declared against our right; after the general voice of the senate had repealed the stamp act on that very principle; there was so much to mitigate the conduct of the Americans, even supposing them in error, that it would be the height of cruelty to enforce contrary maxims with any degree of severity, at least before due warning was given. 'It is in vain,' said he, 'to assert that Boston is more culpable than the other provinces; but in extending the punishment to them, every one must see the danger: yet, if it can be approved for one, it ought to be extended to all: if a similar punishment were applied to the colony of Virginia, the revenue would be reduced by £300,000 a year, beside the loss of all foreign contracts, and perhaps of that beneficial trade for ever. Those gentlemen,' he continued, 'who are in the secrets of the cabinet, and know how assuredly every proposition from thence is adopted by this house, may be warranted in their sanguine acclamations in favor of this measure; but the general mass, who must be equally ignorant with myself of what is to follow, can have no excuse for giving so ready an assent to punish their fellow subjects in this unprecedented manner: their eager zeal only serves to show, how disposed they are to obey the will of another, without exercising their own judgment in the case. My opinion is, that if coercive measures are to be adopted, an effectual force should be immediately carried into the heart of the resisting colony, to crush rebellion in the bud, before a general confederacy can be formed: but I am convinced that good government can be maintained there on rational grounds, as in this country.'

Mr. Fox now appeared for the first time in the minority, opposed to ministers: during the course of the session, he had shown himself adverse to the sentiments of lord North; and about the period when this bill began to be agitated, he was dismissed from his seat at the treasury. He particularly objected to invest the crown with the absolute power of restoring the port of Boston to its former rights: such a regulation could only be made for the purpose of establishing a precedent, since none existed, for placing whole towns and communities at the arbitrary discretion of the crown. He was answered by Mr. Phipps, who insisted on the propriety of continuing to the throne that attribute of mercy which had

always been attached to it: neither could the restoration of the port be so well vested in the legislature; for parliament might happen not to be sitting when the exercise of lenity was required. The debate began to assume a different complexion through the intemperate language of Mr. Van, who was for battering down the town of Boston about the ears of its inhabitants, and destroying what he called 'that nest of locusts,' in order to ensure obedience to the laws.

This extreme spirit of vindictiveness called up colonel Barré who strongly deprecated such language: he expressed his approbation of the measure, though he feared it was intended to involve the fatal doctrine of taxation. When the speaker put the question for passing the bill, Mr. Fox revived his objections, and Mr. Dowdeswell opposed the whole principle, considering it more likely to hurt the merchants of England than the delinquents in America. Mr. Burke derided the idea of a local remedy for a general disorder:—'Have you considered,' said he, 'whether you have troops and ships sufficient to enforce a proscription to the trade of all America? If you have not, the attempt is childish, and the operation will be fruitless.' He blamed governor Hutchinson for not using military force in quelling the disturbances; but said, the fault of the governor ought not to be visited on the innocent people. Universal discontent prevailed throughout the colonies, owing to their bad internal government: he wished to see a new plan of legislation established there, not on the laws and statutes of England, but on the vital principles of British liberty. Mr. Burke was answered by Mr. Grey Cooper, who expressed surprise and sorrow at hearing him upbraid government for not using military force: he defended the bill by its analogy to the black act, where the whole hundred is fined for the misconduct of individuals: it was intended for the protection of trade; it was a mild enactment; and if opposed in America, the result would effect the punishment. Lord North finally vindicated his measures with great ability, as founded on justice, and as most eligible under existing circumstances: a time of peace was the only period for regulating the affairs of our colonies; and now was the crisis when the dispute ought to be decided. The bill passed in the commons without a division: in the upper house it was opposed by the dukes of Richmond and Manchester, the marquis of Rockingham, lords Camden, Stair, and Shelburne; the latter of whom presented a petition similar to that which had been read in the commons:

it was actively supported by lords Mansfield, Gower, Lyttleton, Weymouth, and Suffolk; and having passed the lords on the thirtieth, it next day received the royal assent.

During the discussion of this act by the lords, the minister in the other house proceeded to develop his plan for subduing the refractory spirit of the colonists, and moved for leave to bring in a bill 'for better regulating the government of Massachussett's-bay.' The papers, he said, would show indisputably the want of an executive power in that colony, and the necessity of strengthening the hands of the magistracy: the force of the civil power consisted in the *posse comitatus;* but by this were the tumults excited; and if the democratic part of the constitution exhibits a contempt for the laws, how is the governor to execute any act of authority, when he has not the power either of appointing magistrates or of removing them? That power is vested in the council, which itself is dependent on the people. His lordship therefore proposed by this bill to take the executive power out of the hands of the people, and place it in those of the governor; to give him authority to act as justice of the peace, and to appoint civil officers, such as sheriffs, provosts, and marshals, (excepting only the chief justice and judges of the supreme court) removable only by the king; to declare town meetings illegal, unless held by the special consent of the governor, or for the annual election of certain officers still left to the people's choice: also to put juries on a different footing;[3] which suggestion, he said, was due to the enlarged and statesman-like views of lord George Germaine: acknowleging this however to be a regulation of peculiar delicacy, he professed himself ready to make it the subject of a separate law, if such should be the pleasure of the house.

With a view to qualify the severity of this measure, certain members who had assented to the Boston port bill, particularly Messrs. Fuller and Phipps, earnestly recommended that it should be accompanied by terms of conciliation and redress, as the best means of rendering it efficacious. Parliament, they said, ought not, whilst it resented the outrages of an American populace, to irritate and offend the well-disposed portion of the colonists: if such received satisfaction in the matter of

[3] Grand juries were chosen for life, with a yearly salary: petty juries were elected annually from each town; so that offenders against government were able to ensure immunity, at the expense of law and justice.

taxation, they would soon become instrumental in restraining the turbulent. A discussion on the policy of repealing the tea duty ensued, in which it was contended on one side that such a sacrifice to peace would be made at very little expense, since the produce of the tax was too inconsiderable to be of any importance to Great Britain: lord North however denied that the tea duty produced so inconsiderable a revenue; and at the same time strongly contended that no acts of lenity ought to attend their restrictive measures. To repeal at this time, would show such wavering and inconsistent policy, as would defeat the good effects of that vigorous system, which was at length, after so much remissness, happily adopted. Besides, if the tax on tea were repealed, other demands would be made; and these again, if granted, would be followed by more; till the whole of America was surrendered: if the house persisted in the wholesome severity which it had begun to exercise, there was no doubt but that obedience would be the result. When a division took place on the question, whether a committee should be appointed to take into consideration the repeal of the duties, it was dismissed by a large majority.

Some reflections, in this debate, on the repeal of the stamp act called forth a splendid specimen of eloquence from Mr. Burke, who contended that from the period of that repeal the practical right of taxing America ought to have been banished from the minds of all statesmen; and he severely exposed the absurdity of continuing a tax merely for the sake of a preamble to an act of parliament, when five-sixths of the revenue intended to be raised had been abandoned. After a concise but animated detail of our ministerial and political transactions with America, he recommended the repeal of this tax as a measure of policy; and advised the house, if they afterwards apprehended any ill effects from concession, to stop short, to decline all reasoning, and oppose the ancient policy and practice of the empire as a rampart against innovations on both sides; which line of policy would enable them to stand on great, manly, and sure ground. He deprecated all reasonings about distinctions of rights. 'Leave the Americans,' said he, 'as they anciently stood; and these distinctions, born of our unhappy contest, will die with it: be content to bind America by laws of trade: you have always done so; and let this be your reason for continuing to do it: do not burden them with taxes; for you were not used to do so from the beginning: these are arguments for states and kingdoms; leave the rest to the schools, where alone they can be discussed with safety. If this

advice should be rejected, he augured resistance on the part of the colonies: if the sovereignty of England and the freedom of America could not be reconciled, the Americans would cast off sovereignty; for no man would be argued into slavery. The orator felt some difficulty and embarrassment in reconciling his present opinions with the declaratory act, but attempted it by the nice distinction of a double power in parliament:—'The parliament of Great Britain,' said he, 'sits at the head of her extensive empire in two capacities; one, as the local legislature of this island, with the executive power as her instrument of action; the other and nobler capacity is what I call her imperial character, by which she guides and controls all the inferior and provincial legislatures.' In this, he asserted, her power was boundless; and having entered at large into its utility, and the manner in which it had been exerted, he concluded with recommending that a lenient, not a rancorous policy, should be made the rule of conduct:—'It is agreed that a revenue is not to be had from America: if then we lose the profit, let us at least get rid of the odium.' This speech, which was afterwards published, was greatly admired, for the splendor of its diction, the wisdom of many political principles which it unfolded, and the resolution, mixed with moderation, which it recommended: but the time when it could have been of service had gone by; and if Mr. Burke's mind had not been fettered by the trammels of a party, he would have seen, like lord North, that it was a question now of authority on the one side and subjection on the other; and that the imposition of a tax at this time was necessary to decide that question.

The house now proceeded to the second reading of the bill for regulating the government of Massachussetts-bay; in support of which Mr. Welbore Ellis asserted, that it was the duty of the legislature to take away or alter charters, if they were abused or found deficient; and in these views he was supported by Mr. Charles Jenkinson and Mr. Jeremiah Dyson, who contended that in this case the house proceeded, not in its judicial, but in its legislative capacity, regulating and supplying the deficiencies in charters which had been granted by the crown.

General Conway and Sir Edward Astley took a different view of the measure, which they deemed unnecessarily harsh, and likely to produce permanent evils: Mr. Dowdeswell also pleaded strongly and ably, that the province should be heard, before an act was passed, which would deprive its people of their chartered rights. Governor Pownal, declaring that he now spoke for the last time on the subject,

uttered the following prediction, from his knowlege of the country and disposition of its inhabitants:—'The measure,' said he, 'which you are pursuing, will be resisted, not by force, or the effect of arms, but by a regular united system I told this house four years ago, that the people of America would resist the tax then permitted to remain on them—that they would not oppose power to power, but would become implacable. Have they not been so from that time to this very hour? I tell you again, that they will resist the measures now pursued in a more vigorous way. Committees of correspondence in the different provinces are in constant communication: they do not trust in the conveyance of the post-office; they have set up a constitutional courier, which will quickly grow up to the superseding of your post-office. As soon as intelligence of these affairs reaches them, they will judge it necessary to communicate with each other: it will be found inconvenient and ineffectual to do so by letters: they must confer; they will hold a conference; and to what these committees, thus met in congress, will grow up, I will not say. Should recourse be had to arms, you will hear of other officers than those appointed by your governor: then, as in the late civil wars of this country, it will be of little consequence to dispute who were the aggressors; that will merely be matter of opinion.'

On the third reading of this bill the debate was no less strenuously maintained; during which, Mr. Thomas Townshend, though in opposition, gave his support to the minister, declaring himself incapable of allowing party prejudices to stifle his private opinion: though averse to meddle with charters, he thought the evils of town-meetings justified interference; and that the institution of juries was properly altered according to the forms of the mother country. Colonel Barré reprobated the violence of both houses: in the lords the phrase was, 'We have passed the Rubicon;' in the commons, '*Delenda est Carthago.*' He descanted on the florishing state of the French finances, and predicted the interference of France in our contest with the colonies. Mr. Fox denied our right of taxing America, which Mr. Thurlow, the attorney-general, defended, declaring that it was never surrendered, but that it remained while the sovereignty remained in this country: the charter of Massachussetts was a matter of mere legislative power, and contained no authority to control the right of taxation by the mother country. Mr. Burke deprecated measures of severity, and thought that, although the Americans could not resist the power of Great Britain, a great black book and

a great many red coats would create disturbances which would never be quieted.

Lord North, deprecating any reference to natural rights, denied that the bill destroyed any civil rights: no military government was established, but the civil government only was altered. After a few remarks from Sir George Saville, the bill was carried by 239 to 64: it was strongly opposed by the lords; but passed, at the third reading, by ninety-two to twenty; though an able protest was signed by eleven peers, which embodied all the arguments of the minority; censuring the precipitation and tyranny of the measure, and the preparation made by it for an injudicious system of taxing the colonies. 'To render them permanently advantageous,' it was said, 'we must render them satisfied with their condition; and that satisfaction can only be restored by recurring to the wise and salutary principles on which the stamp act was repealed.'

During the preceding discussions, lord North introduced another bill, 'for the impartial administration of justice in the cases of persons questioned for any acts done while executing the law, or quelling riots in the province of Massachussetts:' by it, the governor, if he found that a person indicted for murder or any other capital offence, incurred in suppressing such tumults, was not likely to obtain an impartial trial in the province, was empowered to send him to another colony, or to Great Britain. This bill, the minister alleged, was necessary to give effect to the others; for it was in vain to appoint a magistracy that would act, if none could be found hardy enough to put their orders into execution: these orders would no doubt be resisted; such resistance would demand force; and blood would probably be spilt: but who would risk that event, though in the execution of his duty, if the rioters themselves, or their abettors, were to sit as judges on him? 'How,' said his lordship, 'can any man defend himself, on the plea of executing your laws, before those very persons who deny your right of making any laws to bind them?' After proceeding to justify the measure by precedents, he rightly observed, that the bill was not meant to screen guilt, but to protect innocence: the Americans must be taught that we would no longer submit to their insults; and that, being roused, our measures, though free from cruelty and revenge, would be as effective as necessary. This act, he said, would complete his legislative plan; the rest depended on the vigilance and vigor shown by the executive government; and this he promised should not be wanting.

The four regiments, usually stationed in different parts of North America, had all been ordered to Boston; prosecutions had been issued against the ringleaders of sedition; and he made no doubt, that by the execution of the measures now adopted, obedience and the blessings of peace would be restored.

This bill was opposed with no less vehemence than those which preceded it. Colonel Barré declared, he rose very unwillingly to oppose the bill in its infancy, and claimed that attention which the house seemed to bestow with reluctance on all arguments in behalf of America. Whilst their proceedings, severe as they were, had the least color of justice, he desisted from opposing them; and although the act for shutting up the port of Boston contained many things cruel and unjust; yet, as it was founded on principles of justice, retribution for injury, and compensation for loss, he had desisted from opposing it: that bill was a bad way of doing what was right, but still it was doing what was right. As to the bill now before the house, he pronounced it to be unprecedented in any former proceedings of parliament; and unwarranted by any delay, denial, or perversion of justice in America: it was so big with oppression to that country and danger to this, that the first blush of it was sufficient to rouse him to opposition: it stigmatised a whole people, as persecutors of innocence, and as men incapable of doing justice, without a single fact being produced to warrant the imputation: on the contrary, all the instances which had happened were direct confutations of such charges. The case of captain Preston was recent: this officer and some soldiers had been capitally indicted at Boston for killing some persons in a riot: they were fairly tried and acquitted: it was an American, a New England, and a Boston jury, which acquitted them. Captain Preston, under his own hand, publicly declared, that the inhabitants of that very town where their fellow-citizens had been slain, acquitted him. This then is the very case which the act supposes: and is this the return made to them? Is this the encouragement given them to persevere in so laudable a spirit of justice and moderation? He denied that the cases of trials for smuggling and for treason, in the last rebellion, were at all applicable to the present case; because the inconveniences of prosecution or defence were comparatively insignificant, on account of the little distance to which the trials were removed: he took notice of lord North's expression, —'we must show the Americans, that we no longer sit quiet

under their insults,' and called it mere declamation, unbecoming the character of him who uttered it. He asked,—'In what moment have you been quiet? Has not your government for many years passed a series of offensive measures, without policy, principles, or moderation? Have not your troops and ships made a vain and insulting parade in their streets and harbors? It has seemed to be your study to irritate and inflame them: you have stimulated their discontents into disaffection, and you are now goading their disaffection into rebellion. Can you expect to be well informed, when you listen only to partisans? Can you expect to do justice, when you will not hear the accused?' After having endeavored to show that the bill was without precedent to support, or facts to warrant it, he proceeded to represent the consequences which it was likely to produce:—'A soldier feels himself so much above the rest of mankind, that the strict hand of the civil power is necessary to check and restrain the haughtiness of disposition which such superiority inspires. What constant care is taken in this country to remind the military that they are under the restraint of the civil power! In America their superiority is felt still more. Remove the check of the law, as this bill proposes, and what insolence, what outrage may you not expect? Every passion that is pernicious to society will be let loose on a people unaccustomed to licentiousness and intemperance: the colonists, who have been long complaining of oppression, will see in the soldiery those who are to enforce it on them; whilst the military, strongly prepossessed against the people as rebellious, unawed by the civil power, and actuated by that arbitrary spirit which prevails in the best troops;—will commit violences which might rouse the tamest people to resistance, and which the vigilance of their officers cannot effectually restrain: the inevitable consequence will be open rebellion, which you profess by this act to obviate. I have been bred a soldier,' he continued;—'have served long: I respect the profession, and live in the strictest habits of friendship with many officers: but there is not a country gentleman of you all, who looks on the army with a more jealous eye, or would more strenuously resist the making it independent of the civil power than myself. No man is to be trusted in such a situation: it is not the fault of the soldier, but the vice of human nature, which, unbridled by law, becomes insolent and licentious. When I stand up an advocate for America, I feel myself the firmest friend of this country: we owe our greatness to the commerce of America. Alienate

your colonies, and you destroy the genuine supply which norishes your own strength: let the banners of rebellion be once spread in America, and you are an undone people. You are urging this desperate, this destructive issue: you are urging it with such violence, and by measures tending so manifestly to that fatal point;—that though a state of madness only could inspire such an intention, it would appear to be your deliberate purpose: you have changed your ground; you are becoming the aggressors; and are offering the last of human outrages to the people of America, by subjecting them, in effect, to military execution. I know the vast superiority of your disciplined troops over the provincials; but beware how you supply the want of discipline by desperation. Instead of sending them the olive-branch, you have sent them the naked sword: by the olive-branch, I mean a repeal of all the late laws, fruitless to you and oppressive to them. Ask their aid in a constitutional manner, and they will give it to the utmost of their ability; they never yet refused it when properly called on: your journals bear recorded acknowlegements of the zeal with which they have contributed to the general necessities of the state: they may be flattered into any thing, but they are not to be driven: have some indulgence to your own likeness; respect their steady English virtue; retract your odious exertions of authority; and remember, that the first step towards making them contribute to your wants, is to reconcile them to your government.'

Mr. Wedderburne explained and defended the principles of the proposed bill, which was only intended to procure a fair trial for imputed offences. Mr. alderman Sawbridge, in a vehement speech, termed it a ridiculous and cruel measure, meant to enslave the Americans by a minister, who, if he had an opportunity, would enslave England: he concluded with expressing a hope that the Americans would resist to the utmost these destructive bills: 'if they do not,' said he, 'they are the most abject slaves that ever the earth produced; and nothing which the minister can do is base enough for them.'

To this violence of speech, lord North replied, with great candor and moderation, he only wished the measure to be fairly discussed; and if bad, to be rejected. He disclaimed any intention of enslaving America; and declared that the assertion was no better founded in truth than another, importing that the colonists had seen their error, and were willing to make reparation to the East India company. So far were they from such a recantation, that letters lately arrived were

fraught with accounts of renewed acts of violence. On the third reading, the bill passed by a great majority.

In the house of lords the opposition took nearly the same line of argument as against the former act. The marquis of Rockingham, after reviewing ministerial transactions relative to America since the repeal of the stamp act, and stigmatising the tea duty as an uncommercial and unproductive claim, retained only as a bone of contention, made the following objection to the bill :—'that if officers were men of honor and sensibility, their situation would be worse under the protection of such a law than without it; since no acquittal could be honorable, where the prosecutor had not the usual means of securing a fair trial.' The bill however passed by a large majority; though a protest was signed by eight peers, in which it was designated 'a virtual indemnity for murder.'

Soon afterwards opposition in the lords was strengthened by lord Chatham, who, after a considerable absence, made his appearance on the seventeenth of May, at the third reading of a bill for quartering troops in America: he took this occasion to state his opinions on the proceedings relative to that country; in the course of which he recommended the substitution of kindness for severity :—'Instead of adding to their miseries,' he said, 'adopt some lenient measures, which may lure them to their duty: act like an affectionate parent toward a beloved child; and, instead of harsh and rigorous proceedings, pass an amnesty on all their youthful errors; clasp them once more to your arms, and I will venture to affirm you will find them children worthy of their sire: but should their turbulence exist after proffered terms of forgiveness, I will be among the foremost to promote such measures as will effectually prevent a future relapse, and make them feel what it is to provoke a fond and forgiving parent.' These children however had determined to run all risks in discarding the very name of allegiance to their sire; and we can only wonder at the infatuation which prevented so penetrating a mind as that of lord Chatham from seeing through the thin veil with which they covered their design: both the king and his minister however were aware of it; and after all the wavering policy that had been adopted, now resolved on the application of coercive measures. To a monarch jealous of the slightest infringement on his prerogative, and to a minister determined to keep his place, it was in vain to offer any arguments drawn from the nature of the British constitution, so ill adapted for prompt measures and united counsels; or from the expenses which

would follow even a successful contest; or from the predictions of successful resistance on the part of the Americans, which were made by men practically acquainted with their situation: at the same time, it would have been equally vain to have appealed to the people of England for a dissolution of the connexion between the parent state and her colonies; for the general opinion was, that the reputation, nay, the power, if not the very existence of the empire, depended on those relations that subsisted between them. The true principles of political science had then made but small advances; and it was not foreseen, or at least declared, except by one man,[4] that the territorial benefits to be derived from America as a dependent province, would have been as dust in the balance, compared with the commercial advantages of America as an allied state. Who, however, would have dared to legislate under such a conviction? Coercion therefore was determined on; preparation for a contest was made; and if the means for that contest had been sought almost exclusively in our navy, the era of American independence might have been postponed, though no cordial union could have been preserved. It was indeed a happy circumstance that the struggle took place when it did; and that Great Britain was left free to contend with the democratic principle, when it took a far more formidable shape and a much more dangerous position; that her resources were gradually developed; that the sloth which she had acquired in a long period of inactivity was shaken off; and that attention was more than ever drawn to the advantages of her invincible navy.

Before the session ended, a bill was brought into parliament, which, by settling the administration of Canada, might complete the ministerial plan of government regarding America. The first object of this bill, which had passed the upper house almost without opposition, was to enlarge the boundaries of the province, so as to comprehend the whole country lying behind New England, New York, and Pennsylvania, to the Ohio, and the eastern bank of the Missisippi; from whence the line proceeded northward to the southern limit of the lands granted to the Hudson's Bay company, taking in about ten degrees of latitude. The government of this vast tract was modelled with a view to the manners, customs, and convenience of its inhabitants, an immense majority of whom were French settlers: to all was secured the free exercise of their religion; whilst the

[4] Dean Tucker.

catholic clergy retained those rights which the articles of capitulation had allowed: the ancient laws of the province, which decided civil cases without the intervention of a jury, were established, as being more acceptable to the French Canadians; but for criminal cases, the law of England, with its jury, was introduced: a council also was appointed, holding commissions from his majesty; and its members were to legislate for the province, but not to possess the power of imposing taxes, enacting severe penalties for religious offences, or meeting at undue seasons and without sufficient notice: finally, to the king was reserved the privilege of instituting any courts criminal, civil, or ecclesiastical, by letters patent.

This bill met with a more strenuous opposition in the commons than any introduced during the session: Mr. Dunning called it the most pernicious measure ever offered to parliament. He represented the form of government thus given to the Canadians, as essentially the same, but more liable to abuse, than that which they had enjoyed under the crown of France: it was intended, he said, to operate two ways; first, to establish arbitrary power in that extensive territory; and, secondly, to employ the power so established in assisting to overthrow the liberties of America: the proposed abolition of the popular assembly was attributed to the dislike which the ministry entertained for the rights of the people; and with regard to religion, it was contended that the articles of capitulation provided that the Roman catholic faith should be tolerated, not established; whereas protestantism was by this bill merely tolerated, and its clergy left for a maintenance to the discretion of the crown. Sergeant Glynn insisted on a breach of promise contained in the royal proclamation of 1763, which declared, that all persons who might settle in Quebec, should be entitled to the same laws and protection as they had enjoyed in England; whereas the bill went to establish French laws, as well as the catholic religion. In reply to the attorney-general, who had contended that it was cruel and unprecedented to establish new laws in a conquered country, he adduced Ireland and Wales as instances of a contrary practice.

In support of the bill, it was urged, that the laws which regard personal property and contracts were much the same in France as in England; with regard to the trial by jury, the French had no predilection for it, and disliked it as an innovation: the treaty of 1763, it was said, secured the free exercise of religion, as far as was consistent with the laws of England; and our penal laws did not extend beyond this

kingdom, as the king's supremacy did; besides, the Canadians were obliged to give proof of their allegiance, by taking an oath prescribed in this act, against all papal claims which interfered with the king's supremacy. The clause which secured to the Romish clergy their tithes, did no more than place them in the condition which they occupied at the conquest of their country; subject however to this disadvantage, that no protestant was obliged to contribute to their support. The extension of the boundary line was justified on the plea, that several French families were settled in remote districts, beyond the former limits; and an intire colony was established in the country of the Illinois. Various amendments were proposed in the commons, which rendered it necessary to return the bill to the upper house, where its principles were now resisted, especially by lord Chatham, who called it 'the child of inordinate power;' invoking the bishops to resist a law which would spread the Roman catholic tenets over so vast a continent, and insisting that parliament had no more right to alter the oath of supremacy, than to repeal the great charter, or the bill of rights. The act however passed by twenty-six to seven; and the corporation of London in vain petitioned the king to refuse his assent.

On the day when this bill passed the lords, the minister proceeded to the annual business of finance: 20,000 seamen had been voted for 1774, including 4354 mariners; and the effective land forces amounted to 18,024, including 1522 invalids. The whole amount of the supplies was given in at £6,159,661; and the ways and means were stated to amount to £6,546,108, exceeding the supplies by £386,447.

Towards the close of the session, the house of commons took the state of the gold coin into consideration, and £250,000 was appropriated to the purpose of calling in and recoining what was defective; it being agreed that no loss should be sustained by the holders. A committee having been appointed for inquiring into the abuses practised in jails, the philanthropic Mr. Howard, then sheriff of Bedfordshire, who had already visited most of those mansions of wo throughout England, was examined; and from the reports which he delivered to the house, many improvements were effected, which have greatly tended to the alleviation of human misery. By a decision of the lords in their judicial capacity, the great question of literary property, brought before them by an appeal from the court of chancery, was determined. A statute of the eighth of Anne had declared that the author and his

assigns have a right to a work for fourteen years, and for fourteen more, if the author should live so long. Certain judges of the land[5] had denied the existence of any such right in common law, and had concluded that an author possessed a property only in his manuscript; that no possession can be taken, or any act of occupancy asserted, on mere ideas: if so, another man, who might have the same ideas, must not presume to publish them, because they had been pre-occupied, and become private property. Lord Mansfield exposed the fallacy of such reasoning, by showing that this was not the nature of the property claimed by an author; that consists in his literary composition; and the identity of it lies in the same thoughts, ranged in the same order, and expressed in the same words: he conceived, that a common law right to the copy of his work was not only vested originally in an author and his assigns; but that it still existed, notwithstanding the statute of Anne: it was agreeable to the principles of right and wrong, and therefore to the common law. Lord Camden did not contest this point, or undertake to prove that there was any thing in the nature of literary property that should render it less durable than other fruits of labor; but he confined himself to the written law of the land: the statute of Anne had taken away any exclusive and perpetual right at common law which an author might have possessed; and the house of peers concurring with him, reversed the decree of chancery, which had been obtained in favor of such an exclusive possession.

On the tenth of May, Louis XV. king of France died, a victim to the small pox, in the sixty-fifth year of his age and the fifty-ninth of his reign: his successor, Louis XVI. was in his twentieth year. His first acts were popular: d'Aiguillon, an ally of the profligate du Barry, was discarded, and the comte de Maurepas appointed minister; whilst the celebrated Turgot was placed over the finance department: the hated Maupeou and Terray were dismissed, and the new courts dissolved, to be replaced by the ancient parliament; though its arrogant pretensions were considerably circumscribed. These arrangements however did not please the queen, who was strongly attached to M. de Choiseul; whence arose two parties at court, highly prejudicial to the affairs of the kingdom. Though the policy of the new government seemed to be that of conciliating public opinion, unfortunately that opinion was not sufficiently enlightened or united to lead the monarch into the

[5] Lord Kaimes in Scotland, and judge Yates in England.

path of his own and the nation's safety; nor did the character of the sovereign fit him to reform abuses of the state, to contend with the growing turbulence of the times, and to resist those that were opposed to him: his disposition was gentle and benevolent, but he was destitute of energy or decision; and, like Charles I. had a taint of insincerity, the most dangerous quality that could have attached itself to a monarch thrown into such times as those of Louis XVI. The notice taken of these events by lord North in the commons was singularly unhappy:—'A great and good prince,' he said, 'is dead, who was a man of an amiable and peaceable mind; but his successor is a wise, economical, and pacific prince, who will not enter into any unnecessary war to try new projects.' Little occurred on the continent this year worthy of notice, except that the Turks suffered so tremendous a defeat by the Russians, that the sultan and divan saw no other means of saving the empire but by a peace, the terms of which were calculated to excite great dismay at Constantinople: by it the independence of the Crimea was acknowleged; Kilburn, Kerché, and Janickla, with all the districts between the Bog and Dnieper, were ceded to Russia; and a free navigation through the Dardanelles for that power was established. Catharine was now at liberty to turn her attention to the civilisation of her subjects: the Poles, though deserted by most of the European powers and oppressed by others, did not lose all spirit: several deputies at the diet boldly opposed the change of constitution, but were at last obliged to yield, and accept the terms offered to them: these were, to be governed by a council of forty, composed of the king, the senate, and members of the equestrian order; the senate consisting of the great officers of state. Thus a complete aristocracy was established in that kingdom. Rome this year lost her sovereign pontiff, the celebrated Ganganelli; a man possessed of many virtues, and of an enlightened understanding, set off by the most amiable manners: he was one of the few popes that exhibited an example of good government; by which he secured the love of his subjects, whilst his friendship was coveted by all the European powers. The domestic events of our own country present few objects of interest beyond the birth of prince Adolphus Frederic, afterwards duke of Cambridge.

On the twenty-second of June was concluded a session of parliament, as important as any since the revolution. The king in his speech applauded the Canadian bill, as founded on the

principles of humanity and justice; and whilst he deplored the spirit of resistance displayed by the province of Massachussetts, approved the measures adopted to restrain it: he concluded with expressing his desire of seeing his deluded subjects in that part of the world returning to their duty, acquiescing in that just subordination to authority, and maintaining that due regard to the commercial interests of this country, which must ever be inseparably connected with their own prosperity.

During the deliberations of the British parliament, the people of Massachussetts had continued their outrageous proceedings, and destroyed the cargo of every ship laden with tea that arrived. Among other ministerial arrangements, was the removal of governor Hutchinson, who was succeeded by general Gage: this officer had long commanded the troops at Boston, and was much respected for his moderation and urbanity; but the auspices under which he began his administration were not encouraging: the populace indeed were so indignant, because some of the principal inhabitants paid him the compliments due to a new governor, that they hanged him in effigy.

The port act, when it arrived at Boston, was received with sensations of terror and indignation; but the latter feelings gradually prevailed, in proportion as the former yielded to the unanimity of sentiment expressed by the other provinces. On the twenty-fifth of May, the assembly met for the last time at Boston, and proceeded to elect a council; after which, the new governor opened the session with a declaration of his readiness to concur in all measures tending to advance the prosperity of the colony; but announced the necessity of removing the legislature to Salem; at which place he convened it on the seventh of June, after an immediate adjournment.

Animated by assurances of support from other provinces, the assembly took an early opportunity of insulting general Gage, under the pretext of answering his speech at the opening of the session: they next appointed a committee for a general congress, and voted £500 for its use. When the governor refused his consent to this misapplication of the public money, they recommended a levy to that amount among the towns and districts of the province: anticipating also a dissolution, they appointed a committee, for the purpose of prescribing rules of conduct to the people, under the form of recommendations; which, in existing circumstances, would have the effect of laws. A report was soon presented, stating that this colony, as well as the others, had long been struggling under

the heavy hand of power: their dutiful petitions for the redress of grievances were disregarded; and the plan of destroying the free constitution of America, of establishing arbitrary rule, and of reducing the people to slavery, appeared to be firmly settled: the inhabitants therefore were exhorted to discontinue the use of tea, and other articles imported from Great Britain, till redress should be obtained; and to encourage the manufactures of America.

Although the committee endeavored to elude the governor's penetration, by pretending that they were employed on measures of conciliation, he soon discovered their real object, and despatched his secretary to dissolve the assembly: that officer, finding the doors locked, and being refused admittance, proclaimed its dissolution on the stairs, in the presence of several members; but the passing of their resolutions was considered as a point gained. A town-meeting being held at Boston, resolutions were passed, and assurances sent to other colonies of the zeal and activity prevailing in Massachussetts, and of the general anxiety to meet in congress. Meanwhile, the consequences that were expected from the punishment inflicted on this refractory province did not appear: the spirit of rivalry, which formerly distinguished American merchants, seemed wholly to have subsided: no one discovered the slightest inclination to profit by the distress of Boston; and the merchants of Salem declined availing themselves of the advantages that might be derived from the removal of the trade to their port. 'Nature,' they said in their address to the governor, 'by the formation of their harbor, had forbidden a rivalship with the convenient mart of Boston; and were it otherwise, they must be dead to every idea of justice, lost to all feelings of humanity, could they indulge one thought of acquiring wealth and raising their fortunes on the ruin of their suffering neighbors.'

Proposals had been made in the different provinces for putting a stop to all commercial dealings with the mother country, but were not eagerly accepted: it seemed to be the general opinion, that such a step should be reserved among the last expedients to be tried. The middle and southern colonies were at this time desirous of avoiding a rupture with Great Britain: all however concurred in a resolution to resist taxation, and all sent liberal contributions to relieve the suffering inhabitants of Boston. In the mean time, copies of the other two bills for altering the constitution of Massachussetts-bay arrived; and tended so much to increase the ferment through-

out the provinces, that the Bostonians, already assured of co-operation, now took the lead in opposition to British interests. Henceforward deliberations in general were imbued with that spirit of republicanism which distinguished the states of New England; and the colonists of Massachussetts set the example of resistance to what was called the tyranny of Great Britain.

At the suggestion of the provincial assembly, an association was formed, to which, in imitation of their puritan forefathers, they gave the name of 'a solemn League and Covenant;' the subscribers to it binding themselves to suspend all intercourse with Great Britain, from the last day of August ensuing, until the Boston port act should be repealed, and the colony restored to the rights which it derived from its charter; also to have no dealings with those persons who should refuse to sign the agreement, or should afterwards violate their compact; but to publish their names as enemies to their country. This association not only obtained universal approbation where it originated, but spread rapidly through the other states. In vain did the governor endeavor to counteract its effects by a proclamation, which declared it treasonable; in vain did he caution the people against countenancing so illegal a combination, under the severest penalties: his orders were disregarded, and his power questioned in making that conduct treason which was not treason by the laws. Perceiving how hostile the sentiments and intentions of the people were becoming towards his government, general Gage now thought it advisable to take other means of repressing tumult, more efficacious than proclamations: he accordingly ordered some regiments of infantry, with a detachment of artillery, to encamp near Boston; and these were soon augmented by troops from England and Ireland: but as the colonists, with their usual artifices, induced the men to desert, he placed a guard on the isthmus, called Boston-neck, which joins the peninsula, on which that town is situated, to the main land. This measure, dictated by necessity, was construed into a design of blockading the place, and compelling it to submit to terms: the people of Worcester assembled in arms, assuring the Bostonians that many thousands were ready to succor them; and exhorting them not to despair, or to surrender the liberties of their country.

In August, commissions arrived for the new council: but of thirty-six that were appointed, only twenty-four would accept the office; and against them the people were so exasperated, that all resigned, except a few inhabitants of Boston, who

were protected by the troops: these however issued writs, according to the new law, for convening an assembly in October.

The colonists now began to provide arms, to collect warlike stores, and train their youth to military exercises: in short, disaffection spread on all sides, and the reign of law was on the verge of dissolution. Under these circumstances, general Gage took the opportunity of a general muster of the militia, to seize on their ammunition, and at the same time transferred all military stores within the province from their several depots to Boston. Apprehending that his intention was to commence hostilities, several thousands of the militia marched toward the capital; but finding themselves mistaken, they retired: the general however thought it expedient to erect fortifications and barracks on the isthmus as a measure of precaution; but it was with difficulty that artisans could be engaged, whilst the works were perpetually interrupted by the most alarming obstructions: the governor, though he clearly foresaw that scenes of bloodshed were at hand, manifested great equanimity of temper in forbearing to commence them.

Every effort was now made by the committees of correspondence to keep alive the flame of sedition in the province, by spreading abroad rumors of massacres, and of attacks on the capital both by land and sea. In this state of affairs, whilst the old constitution was abrogated and the new system suspended by violence, some leading men determined to hold an assembly of delegates from all the towns in Suffolk, of which Boston was the metropolis. This meeting passed resolutions more decidedly hostile to the British government than any that had yet appeared: they called the late acts gross infractions of civil and religious liberty, wicked attempts of administration to establish despotism: they resolved to indemnify all officers that should refuse to execute any process issued by the present unconstitutional judges; and declared all members of the new council enemies to their country: they next condemned the plan of fortifying Boston-neck, attacked the Canadian act, recommended a total suspension of commercial intercourse with Great Britain, the encouragement of domestic manufactures, the appointment of a provincial congress, and the exercise of the people in arms: they also advised collectors to retain the public money in their own hands, until the civil government of the province should be placed on a constitutional basis, or a provincial congress should direct its application: they exhorted the populace to

refrain from riots; and concluded with the following instructions, which show how implicitly they relied on the committees of correspondence, and the purpose of their institution:—'Should our enemies, by any sudden manœuvre, render it necessary for us to ask aid of our brethren in the country, some one of the committee of correspondence, or a select man from the town where hostilities shall commence or be expected, or from the town adjoining, shall despatch couriers with written messages to the select men, or committees of correspondence in the vicinity, who shall send others to committees more remote, until sufficient assistance be obtained: the expense of couriers to be defrayed by the county, until otherwise ordered by the provincial assembly.'

Delegates also were appointed to remonstrate with the governor respecting the fortification of Boston-neck, the seizure of the public magazines, and insults offered to passengers and others by the troops. To such proceedings, together with the obnoxious acts of parliament, they declared their resolution never to submit; though they disclaimed all notions of independence, and desired to avoid collision with the king's forces. General Gage shortly answered, that he had no intention of preventing free access to Boston, or of permitting any one under his command to injure his majesty's subjects; but it was his duty to preserve the peace and to prevent surprise: he also gave assurances that artillery should not be employed, unless hostilities rendered it necessary.

The governor had issued writs for the new legislative assembly to meet on the fifth of October; but the course of events induced him to countermand these by proclamation, and to discharge such members as were already returned: the advantage however of meeting in public to discuss, was too clearly perceived by the leading men of the province, to be so easily resigned: they therefore declared the governor's proclamation illegal; the representatives who had been elected, met at Salem; and having waited one day, in compliment to the governor, they resolved themselves into a provincial congress; and having chosen Mr. John Hancock for their president, adjourned to Concord, distant about twenty miles from the seat of government.

One of the first proceedings of this assembly was a remonstrance to the governor, in which they vindicated their meeting by a reference to the distracted state of the province; and entreated him, by his regard for the king's honor and the public peace, to desist from the construction of fortifications against

the town of Boston. To this address the general answered, in very indignant terms, 'that the lives, liberty, and property of none but avowed enemies could be endangered by the troops of Great Britain, who had shown no disposition to hostilities, though they might be expected to feel resentment at the exertions employed to deprive them even of the necessaries of life.' He reminded this self-constituted congress, that while they affected to complain about infringements on their charter, their very meeting was in direct violation of their own constitution; and, finally, he admonished them to desist from such illegal proceedings.

Undeterred however by the governor's representations, they instantly proceeded to adopt the measures recommended by the Suffolk meeting; settling all matters relating to the militia, arranging means for the collection of arms, providing for the receipt of taxes, and appointing a day of public thanksgiving for the union so happily prevailing throughout the colonies. Such conduct naturally exciting the governor's indignation, he put forth a proclamation, forbidding the people to pay any obedience to these seditious resolutions: but, as before, the proclamation was despised; the resolutions were obeyed; and the congress separated of their own accord, after having appointed a new meeting in the ensuing month of February.

But before this time a general congress had been organised by the corresponding committees at Philadelphia; and on the fifth of September, this great national assembly commenced its first session: fifty-one delegates were sent from the different provinces, with the exception of Georgia, which afterwards joined the association: the greatest number from any one colony was seven, and the smallest two; but it was agreed that each state should have only one distinct vote. As they sat with closed doors, their proceedings were involved in secresy; and their decrees, like the oracles of ancient days, were received by the people as the dictates of profound wisdom. The instructions given to these delegates by their constituents disclaimed all ideas of independence, recognising the constitutional authority of the mother country; but they strongly insisted on the rights which they derived from their ancestors as British subjects, and pronounced the late acts relative to the colony of Massachussetts, unconstitutional and tyrannical. The first act of congress was a declaration, approving the wisdom and fortitude with which those ministerial measures had been resisted; and asserting that it was the duty of all Americans, not only to contribute to the relief of the sufferers, but to

assist them in repelling any force employed to carry the acts complained of into execution. They also passed a resolution, that the removal of any person for the trial of offences committed in America, justified resistance and reprisals.

They next proceeded to declare the principles and object of their association; avowing their allegiance to the king, and their affection to the parent state, with their dependence on her, and the benefits they had received from the connexion: in the most explicit terms they disclaimed any desire of destroying that connexion; but at the same time they demanded a participation in all the rights of British subjects. Having stated their grievances, and traced them to the ruinous system of colonial administration adopted by the British ministry since the peace of 1763, they recommended, as the most peaceable means of obtaining redress, a suspension of all commercial intercourse with Great Britain until her coercive acts should be repealed: they drew up an eloquent and comprehensive petition to his majesty, stating every important measure passed since the change of system in 1764, with its peculiar principles, features, and bearing on other acts; exhibiting the whole plan of recent and present government, with its actual consequences; declaring attachment to the king, and disclaiming any pretension to new privileges; whilst they prayed to be restored to their former rights, which other British subjects still enjoyed.

They then drew up a masterly address to the people of England; stating that the Americans, sprung from the same ancestors as themselves, entertained the same sentiments which had produced and supported the British constitution, and considered themselves entitled to equal rights with other British subjects: they apologised for that suspension of commerce which self-preservation had obliged them to adopt; but hoped that the magnanimity and justice of the nation would procure a parliament of such wisdom, independence, and public spirit, as might save the violated rights of the whole empire from the devices of wicked ministers and evil counsellors, whether in or out of office; and thereby restore that harmony which was desired by every true and honest American.

They published an address to the Canadians, eloquently setting forth the blessings of a free constitution; ingeniously contrived to render them discontented with their new form of government, and alluring them to join the general confederacy: they likewise issued a declaration of rights and grievances; in which they laid aside all former distinctions between legislation and impost, external and internal taxation; claimed for

the colonies the privilege of legislating for themselves; but consented to such acts of parliament as were *bona fide* intended to regulate their foreign commerce, without any reference to a direct revenue. Their grievances were specifically ascribed to eleven acts of parliament, passed in the present reign; but more particularly to three in the last session respecting the province of Massachussetts, and to the law for extending the Canadian boundaries. To general Gage they sent a remonstrance against his military proceedings, which bore, as they said, a hostile appearance unwarranted even by those tyrannical acts: nor did they forget to address a memorial to the colonists; showing how all were interested in the condition of the inhabitants of Boston; recommending a perseverance in union, and in the measures proposed by congress, as the only means of security against the arbitrary designs of the British ministry; but advising them to extend their views to the most unhappy events, and to be prepared for every contingency: it concluded, in the old puritanical style, by earnestly entreating the people to humble themselves, with devotion of spirit, penitence of heart, and amendment of life, before Almighty God, whose divine goodness was besought to take them under his gracious protection.

After a session of fifty-one days, this first general congress of the American states broke up on the twenty-sixth of October, having previously recommended another meeting to be held on the tenth of May following. The effect of its decrees were soon perceptible throughout the states: before its convention, none of the middle and southern provinces had made any preparations for a warlike contest; but when its members returned to their constituents, all became actuated by the spirit of New England: the militia were frequently assembled for the purpose of discipline; arms were sought for the future defenders of the country; a final appeal to them became the subject of discourse; and a proclamation, which had been issued in England against the exportation of military stores, operated as a powerful excitement with the colonists to manufacture them at home. Following the earnest recommendations of congress, all the other states took a deep interest in the affairs of Massachussetts; and the issue of peace or war seemed to depend more immediately on the transactions of that province, which on one side of the Atlantic was considered as the focus of rebellion, and on the other as the centre of honorable action.

While such was the conduct of the Americans, the British cabinet thought it expedient to take the sense of the nation on

a subject which involved its interests so deeply: they determined therefore to dissolve the parliament, in order to afford the people an opportunity of manifesting their opinions in the choice of representatives, and of setting the latter free from all restraint if an alteration of policy should be thought advisable: ministers however were not unacquainted with the national sentiments prevailing at this period: opinions had been very industriously spread and as extensively received, that vigorous perseverance would soon finish a contest originating in imbecillity and fostered by temporising expedients; and also, that the present administration possessed the qualities requisite for terminating the dispute advantageously for their country. It was not doubted, that the system of coercion now adopted would intimidate its objects; or if it failed in this, would speedily reduce them to subjection. It is no characteristic of Englishmen to doubt the resources of Britain, or the valor of her sons.

The anticipations of ministers were fully realised by the new parliament; in which was found a considerable change of individual members, but no alteration of political sentiment: this appeared in the first debate on the address to his majesty, whose speech was chiefly occupied by topics relating to the spirit of colonial resistance, and the means taken to repress it. As this address implied a general approbation of the late measures, an amendment was proposed in the commons, and supported by the opposition; but it was negatived by 264 to 73: in the house of peers also an amendment was overruled by a vast majority; and thus government had the assurance of long co-operation from a parliament, whose attachment to its ministerial leaders was perhaps never surpassed. If we look to the principal actors on this grand political arena, we must confess that on both sides there was a bright constellation of abilities; though the ranks of opposition showed the highest talents, with the most varied and commanding eloquence.

Nothing remarkable occurred before the Christmas recess, except that nine out of thirteen peers in the minority signed a protest[6] against the address; and the estimates, as stated to the commons, were formed on a peace establishment; the number of seamen being reduced to 16,000, and the land forces fixed at 17,547 effective men: during the recess however ministers received more accurate intelligence respecting

[6] The first of the kind which had ever appeared on the journals of that house.

American affairs, which decided them to persevere in the system of coercion: accordingly, they were unmoved by petitions presented after the adjournment from American and West Indian merchants resident in London and Bristol, as well as from the manufacturers of Birmingham and other places, representing the great losses they might sustain from the suspension of traffic, and the non-payment of sums due to them from the colonists. These documents were referred to a committee of the house, which, from the little attention it paid to them, acquired the name of 'the committee of oblivion.' The petition from congress had also been transmitted to the king; but his majesty declined to receive it from a body whose existence he could not acknowlege, and referred it to parliament: accordingly, on the twenty-sixth of January, three American agents, Franklin, Bolland, and Lee, prayed the house of commons to be examined at their bar in support of the said paper, which they professed themselves able to elucidate: the house however refused them a hearing on the same ground;—that no attention could be given to that petition without acknowleging the congress and its authority.

Lord North took the earliest opportunity of laying before parliament a large collection of important documents respecting the state of the colonies; and on the twentieth of January a trial of strength between the two parties was brought on by a motion of lord Chatham, who proposed an address to his majesty, requesting him to allay the unhappy ferments in America, by removing the royal troops from Boston. After censuring ministers for their tardy as well as false representations of American affairs, and advising immediate efforts to be made for effecting a reconciliation with our colonies before the re-assembling of congress, he proceeded to discuss the whole question in a speech, distinguished by that impressive and astounding energy which marked the grandest efforts of this veteran statesman:—'Nothing,' he said, 'but the extremity of sickness shall prevent me from paying unremitted attention to so important a subject: I will knock at the door of this sleeping and confounded ministry, and rouse them to a sense of their imminent danger. When I state the importance of the colonies, and the magnitude of the danger hanging over this country from the present plan of mis-administration, I desire not to be understood to argue a reciprocity of indulgence between England and America: I contend not for indulgence, but justice to America; and I shall ever contend that the Americans justly owe obedience to us in a limited

degree:—they owe obedience to our ordinances of trade and navigation; but let the line be skilfully drawn between the objects of those ordinances, and their private internal property; let the sacredness of their property remain inviolate; let it be taxed only by their own consent, given in their provincial assemblies; else it will cease to be property. As to the metaphysical refinements, attempting to show that the Americans are equally free from obedience and commercial restraints as from taxation for revenue, as being unrepresented here; I pronounce them futile, frivolous, and groundless. Resistance to your acts was necessary as it was just; and your vain declaration of the omnipotence of parliament, and your imperious doctrines of the necessity of submission, will be found equally impotent to convince or enslave your fellow-subjects in America, who feel that tyranny, whether ambitioned by an individual part of the legislature or by the bodies who compose it, is equally intolerable to British subjects. The means of enforcing this thraldom are found to be as ridiculous and weak in practice as they are unjust in principle: indeed I cannot but feel an anxious sensibility for the situation of general Gage, and the forces under his command; thinking him, as I do, a man of humanity and understanding; and entertaining, as I ever shall, the highest respect and warmest love for the British troops: their situation is truly unworthy of them; penned up, and pining in inglorious inactivity. They are an army of impotence: you may call them an army of safety and of guard; but they are, in truth, an army of impotence and contempt; and to make the folly equal to the disgrace, they are an army of irritation and vexation. The first drop of blood shed in civil and unnatural war may be irremediable. Adopt the grace while you have the opportunity of reconcilement, or at least prepare the way: allay the ferment prevailing in America, by removing the obnoxious hostile cause;—obnoxious and unserviceable; for their merit can only consist in inaction: their force would be most disproportionately exerted against a brave, generous, and united people, with arms in their hands and courage in their hearts; three millions of people, genuine descendants of a valiant and pious ancestry, driven to those deserts by the narrow maxims of a superstitious tyranny. And is the spirit of persecution never to be appeased? are the brave sons of those brave forefathers to inherit their sufferings as they have inherited their virtues? are they to sustain the infliction of the most oppressive and unexampled severity—beyond the accounts of history, or description of poetry?

Rhadamanthus habet durissima regna, castigatque, auditque: so says the wisest poet and perhaps the wisest statesman and politician of antiquity: but our ministers say, the Americans must not be heard: they have been condemned unheard; the indiscriminating hand of vengeance has confounded together innocent and guilty;—with all the formalities of hostility, has blocked up the town, and reduced to beggary and famine thirty thousand inhabitants.' His lordship extolled the congress, as more wise than the assemblies of ancient Greece: Thucydides recorded nothing more honorable or respectable than that despised convention: their proceedings were remarkable for firmness and moderation; and it would be happy for Great Britain if her house of commons were as freely chosen. 'Ministers may satisfy themselves, and delude the public, with the report of what they call commercial bodies in America: they are not commercial, they are your packers and factors; they live on nothing—for I call commission nothing: but these are not the men, nor this the influence to be considered in America, when we estimate the firmness of their union. Trade indeed increases the glory and wealth of a country; but its real wealth and strength are to be looked for among the cultivators of the soil; in their simplicity of life is found the simpleness of virtue, the integrity of courage and freedom: these true genuine sons of the earth are invincible; they surround and hem in the mercantile bodies; and if it were proposed to desert the cause of liberty, they would virtuously exclaim, 'If trade and slavery are companions, we quit trade; let trade and slavery seek other shores; they are not for us!' This resistance to your arbitrary system of taxation might have been foreseen: it was obvious from the nature of things and of mankind; but above all, from the whiggish spirit florishing in that country. The spirit which now resists your taxation in America, is the same which formerly opposed loans, benevolences, and ship money in England; the same spirit which called all England on its legs, and by the bill of rights vindicated the English constitution; the same principle which established the great fundamental and essential maxim of our liberties, that no subject of England shall be taxed but by his own consent: this glorious spirit of whiggism animates three millions in America, who prefer poverty with liberty, to gilded chains and sordid affluence; and who will die in defence of their rights as men—as free men.

'The cause of America is allied to every true whig: the whole Irish nation, all the true English whigs, the whole people

of America combined, would amount to many millions of whigs averse to the system. To such united force, what force shall be opposed? what, my lords? a few regiments in America, and 17,000 or 18,000 men at home! the idea is too ridiculous to take up a moment of your time. Nor can such a rational and principled union be resisted by the tricks of office, or ministerial manœuvre. The laying papers on your table, or counting noses on a division, will not avert or postpone the hour of danger: it must arrive, unless these fatal acts are done away: it must arrive in all its horrors; and then these boastful ministers, spite of all their confidence and all their manœuvres, shall be forced to hide their heads! They shall be forced to a disgraceful abandonment of their present measures and principles;—principles which they avow, but cannot defend;—measures which they presume to attempt, but cannot hope to effectuate. They cannot, my lords, they cannot stir a step; they have not a move left; they are check-mated. It is not repealing this or that act of parliament—it is not repealing a piece of parchment—that can restore America to our bosom: —you must repeal her fears and her resentments; and you may then hope for her love and gratitude: but now, insulted by an armed force at Boston, irritated by a hostile array before her eyes, her concessions, if they could be forced, would be suspicious and insecure; they will be, *irato animo*, not sound honorable pactions of freemen, but dictates of fear and extortions of force. It is, however, more than evident; you cannot force them, principled and united as they are, to your unworthy terms of submission: it is impossible! and when I hear general Gage censured for inactivity, I must retort with indignation on those whose intemperate measures and improvident counsels have betrayed him into his present situation. His situation reminds me of the answer of a French general in the civil wars of France:—Monsieur Condé, opposed to Monsieur Turenne, being asked how it happened that he did not take his adversary prisoner, as he was often very near him; very honestly replied, 'I am afraid he will take me.' We shall be forced ultimately to retract:—let us retract while we can, not when we must. These violent oppressive acts must be repealed; you will repeal them; I pledge myself for it, that you will in the end repeal them: I stake my reputation on it! I will consent to be taken for an idiot, if they are not finally repealed! avoid then this humiliating, this disgraceful necessity. With a dignity becoming your exalted situation, make the first advances to concord, to peace, and to happiness; for

that is your true dignity, to act with prudence and with justice. That you should first concede is obvious, from sound and rational policy. Concession comes with better grace and more salutary effect from the superior power; it reconciles superiority of power with the feelings of men, and establishes solid confidence on the foundations of affection and gratitude. So thought a wise poet and a wise man in political sagacity; the friend of Mæcenas, and the eulogist of Augustus: to him, the adopted son of the first Cæsar, to him, the master of the world, he wisely urged this conduct of prudence and dignity:—

> Tuque prior, tu, parce; genus qui ducis Olympo;
> Projice tela manu.

On the other hand, every danger impends to deter you from perseverance in the present ruinous measures; foreign war hanging over your heads by a slight and brittle thread; France and Spain watching your conduct, and waiting for the maturity of your errors. If ministers thus persevere in misadvising and misleading the king, I will not say they can alienate the affections of his subjects from the crown, but I will affirm they will make the crown not worth his wearing; I will not say the king is betrayed, but I will pronounce the kingdom undone.'

The motion was supported by the duke of Richmond, the marquis of Rockingham, earl Shelburne, and lord Camden; whilst the earls of Suffolk, Rochford, and Gower, viscounts Townshend and Weymouth, with lord Lyttleton, gave it their opposition, defending the obnoxious acts, vindicating the legislative supremacy of parliament, and controverting the eulogy passed on the American congress, whose acts and resolutions were said to savor strongly of a rebellious spirit. The motion was negatived: but in submitting it to the house, lord Chatham said, that he had framed a plan of honorable and permanent adjustment; and this he presented on the twenty-first of February under the form of a provisional act for settling the troubles in America, and for asserting the supreme legislative authority of Great Britain over her colonies: he prefaced it with a short introductory speech, and concluded by entreating the house to assist him in digesting his crude materials, and adapting them to the importance of the subject. An animated debate ensued; and the earl of Dartmouth, secretary of state for America, wished the bill to lie on the table for consideration; but it was vehemently opposed by lord Sandwich, who declared himself against any concession, and moved

for its immediate rejection with the contempt it deserved. He could not believe it the production of a British peer: it appeared to him rather the work of some American; and turning his face towards Dr. Franklin, who was then leaning on the bar of the house, said he fancied he had in his eye the person who drew it up; one of the bitterest and most mischievous enemies this country had ever known.[7] He was supported by earls Gower and Hillsborough; but more particularly by the duke of Grafton, who objected to the unparliamentary mode of introducing this bill. The duke of Richmond, earl of Shelburne, and lord Camden spoke in its favor, analysing the laws proposed to be repealed with great severity; and pointing out, not only the evils of foreign interference, but the danger of famine at home from the discontinuance of supplies of corn from the colonies. A more moderate party, consisting of the duke of Manchester, earl Temple, and lord Lyttleton, though they objected to some parts of the bill, were averse to the summary mode recommended for disposing of it, from a regard to the exalted character of the proposer; and lord Temple, in the course of his observations, attributed all the evils to the repeal of the stamp act. During the debate, much altercation took place; and when some noble lord mentioned with applause the candid proposal of a member of the administration for considering a measure of such importance; lord Dartmouth rose again, and said, 'that having subsequently heard the opinions of so many peers against permitting the bill to lie on the table, he had altered his own, and could not accept the praise offered to him for a candor of which he was now ashamed; he should therefore give his voice for rejecting the plan immediately.'

Lord Chatham, in his reply, declared that the measure was his own; for if it was so weak and mean a thing as many of their lordships seemed to think it, no other person ought to share in the censure. 'It has heretofore been reckoned a vice in me,' said his lordship, 'not to be apt in taking advice; but I scruple not to declare, that if I were the first minister of this country, I should not be ashamed of publicly calling to my assistance a person so perfectly acquainted with American

[7] 'This,' says Franklin, 'drew the eyes of many lords on me: but as I had no inducement to take it to myself, I kept my countenance as immovable as if my features had been made of wood.' —Memoirs, vol. i. p. 150.

affairs, as the gentleman alluded to, and so injuriously reflected on.' He then attacked his ancient colleague, and humble pioneer, the duke of Grafton, with severity; and inveighed against the whole administration, attributing their opposition to a hatred of liberty, and want of virtue; stigmatising their political conduct as a continued series of weakness, ignorance, despotism, and corruption. 'On reconsideration, however,' said he, 'I must allow you one merit; a strict attention to your own interests, in which view you appear sound statesmen and able politicians: you well know that if the present bill should pass, you must instantly lose your places: who then can wonder, that you should negative any measure, which must annihilate your power, deprive you of your emoluments, and at once reduce you to that state of insignificance for which God and nature designed you?'

These intemperate animadversions were reprobated as a factious design to embarrass government and obtain undue popularity, by earls Gower and Hillsborough, who did not doubt that endeavors would be made to circulate the proposed bill, and inflame the public mind, both here and in the colonies. The persons censured only shared the fate of all other administrations within their recollection; the noble lord having uniformly condemned, though he afterwards acted with them; and if his age did not form an impediment, he would probably give another proof of his versatility, by patronising the measures which he now so vehemently condemned. Lord Sandwich's motion was carried by sixty-one to thirty-two.

On the second of February, the commons resolved itself into a committee to take the papers from America into consideration; when lord North re-argued the old topics of parliamentary supremacy, and the injustice of American complaints; after which he denounced the confederacy formed against commercial intercourse with England, and unfolded his plan of coercion: this consisted in the transportation of a large military force to the colonies, in a temporary act to stop the foreign commerce of New England, and in a prohibition of the Americans from the fisheries of Newfoundland until they should return to their duty: but a declaration was annexed, that whenever that event took place, their real grievances should be redressed. His motion was for an address to his majesty; and a spirited debate ensued, after Mr. Fox had moved an amendment, censuring ministers for having rather inflamed than healed differences, and praying for their dis-

missal: he descanted largely on the injustice of the motion, predicting defeat in America, and ruin at home: but the amendment was negatived by an immense majority.

On the presentation of the report, lord John Cavendish moved that the address should be recommitted; and in the debate, the existence of rebellion, and the policy of declaring it, were discussed; a prominent part being taken by Mr. Wilkes, who had been re-elected for Middlesex, and admitted without opposition to his seat. 'Who can tell,' he said, 'whether, in consequence of this very day's violent and mad address, the scabbard may not be thrown away by the Americans as well as by us; and should success attend them, whether in a few years they may not celebrate the glorious era of the revolution of 1775, as we do that of 1688? Success crowned the generous efforts of our forefathers for freedom; else they had died on the scaffold as traitors and rebels; and the period of our history, which does us most honor, would have been deemed a rebellion against lawful authority, not a resistance sanctioned by all the laws of God and man, and the expulsion of a tyrant.' In reply, it was observed, that the present important crisis had been produced, not more by the restless spirit of the colonists, than by a zeal for their cause, and a seditious spirit exhibited at home. The proceedings of the Americans evidently tended to independence, and a future age might perhaps see them successful; but it was our duty by care and vigilance to prevent the evil day from arriving in our time, and affixing an indelible stain on the present age.

Lord North, who had exhibited signs of irresolution respecting coercive measures, by stating his readiness to repeal the tea-duty, if that would satisfy the colonists, now showed still greater hesitation: he disclaimed the taxation of America as an act of his administration, and traced it to the duke of Grafton; adding, that the quarrel would be terminated if the constitutional right of supremacy were conceded to Great Britain.[8] The motion for recommitment was negatived by 288 to 105.

A conference being held on the address, lord Dartmouth moved that the lords should concur in it; and on this motion the previous question was demanded. A long but animated debate ensued, in which lord Mansfield took a conspicuous part, combating the arguments of those who contended that the Americans aimed only at an exemption from taxation:

[8] Adolphus, vol. ii. p. 197.

after which he minutely analysed the declarations of congress, and the acts of parliament of which they complained; proving that to annul any, except those relating to taxes, would be a complete renunciation of sovereignty: he argued, from the documents before the house, that the Americans were in a state of rebellion; and condemned the taxes imposed in 1767, as the origin of the present troubles; for they had thrown the colonies into a ferment, and injured British commerce, by furnishing the Americans with a temptation to smuggle.

Lord Camden disclaimed all participation in the law for taxing America; and the duke of Grafton took this opportunity of publicly testifying that he was not the author of the measure; perhaps it was contrary to his judgment; but, in opposition to lord Camden, he asserted, that every cabinet minister who acted in that capacity, when a law was passed, should equally share the censure or applause resulting from its defects or merits. The earl of Shelburne expressed a hope that the day of retribution would arrive, and the author of the present dangerous measures be discovered; at the same time he declared, from his own knowlege, that neither the duke of Grafton nor lord Camden approved of the plan of taxing America. After very high words between the noble earl and lord Mansfield, who was also attacked by the duke of Richmond, this indecorous debate was terminated by the house agreeing to the address of the commons. The king's answer was accompanied by a message to the commons, recommending an augmentation of forces by sea and land; in consequence of which 2000 additional seamen and 4383 soldiers were voted: in the discussion of this subject, the probability of foreign interference was not overlooked; and captain Walsingham asserted, that of seventy-five sail of the line in the ports of France, one half were manned and fit for service.

In pursuance of his plan, lord North, on the tenth of February, produced a bill for restraining the commerce of New England, considering himself fully justified in this measure by the rebellious state of that country, and by the anti-commercial resolutions of its inhabitants. An exception was made in favor of individuals, who should obtain from the governors of certain provinces certificates of good conduct, and subscribe a test acknowleging the supremacy of parliament.

A strong opposition was made to the bill in both houses, on the score of confounding the innocent with the guilty, of destroying a trade which perhaps never could be recovered,

of cruelly starving whole provinces, and thus irritating the Americans to withhold debts due to British merchants. The marquis of Rockingham went so far as to compare the conduct of the ministry to that of general Rosen at the siege of Derry; who, to reduce the garrison, collected the wives, children, and aged parents of the besieged under the walls, to perish there by famine, or by the sword if they attempted to retreat.

The partisans of ministry denied these imputations, and were far from thinking themselves driven to a necessity of so acting: in both houses gross reflections were cast on the American character, courage, and resources; followed by a vain boasting of that insuperable power of the parent state, which in the event was found unequal to the contest. 'Suppose the colonies to abound in men,' exclaimed lord Sandwich; 'of what importance is the fact? They are raw, undisciplined, and cowardly. I wish, instead of 40,000 or 50,000 of these brave fellows, they would produce 200,000: the more the better; the easier would be the conquest: if they did not run away, they would starve themselves into compliance with our measures.' Not only was this bill sanctioned by large majorities, but another also passed very soon after it, laying similar restrictions on the provinces of New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina; on the ground that they were as much in a state of rebellion as those of New England.

On the twentieth of February, and while the restraining bill was still in suspense, lord North, to the surprise of opposition, and of many among his own adherents, brought forward in committee a pacific motion for healing all differences between Great Britain and America. As a report of his intention had been widely circulated, the house was very crowded, and the members full of expectation. It is said, that the Bedford party, who were inimical to America, and urgent for severe measures, began to exclaim against the minister on account of his political vacillation; that they even began to count voices for the purpose of negativing his motion, and throwing him out of administration: his friends were therefore alarmed for him; much whispering took place; and it was suspected that the motion, when made, was somewhat different from that which was originally intended:[9] it ran as follows:—'That it is the opinion of this committee, that when the governor, council, and assembly, or general court of his majesty's provinces or colo-

[9] See Memoirs of Franklin, vol. i. p. 525.

nies, shall propose to make provision, according to their respective conditions, circumstances, and situations, for contributing their proportion to the common defence, such proportion to be raised under the authority of the general court or general assembly of such province or colony, and disposable by parliament; and shall engage to make provision also for the support of the civil government, and administration of justice in such province or colony;—it will be proper, if such proposal shall be approved by his majesty in parliament, and for so long as such provision shall be made accordingly, to forbear, in respect of such province or colony, to levy any duties, tax, or assessment, or to impose any farther duty, tax, or assessment, except only such duties as it may be expedient to impose for the regulation of commerce: the net produce of the duties last mentioned to be carried to the account of such province, colony, or plantation exclusively.'

'These terms,' said his lordship, 'being such as in the hour of victory would be good and just, are a test to the Americans of their pretensions: if their ostensible causes of opposition be real, they must agree with our proposals; if they do not, they will be indisputably shown to have other views, and to be actuated by other motives. To offer terms of peace is wise and humane; if the colonists reject them, their blood must be on their own heads.'

In the long and desultory debate that ensued, lord North met with strong support from governor Pownal, who professed himself as independent of the minister as he was unconnected with opposition. He traced the origin of the present quarrel to a congress at Albany in 1754, at which he was present: he had always in both countries recommended such a mode of conduct as he thought calculated to prevent a rupture, but had the misfortune to find his counsel disregarded. He now saw the colonists resisting all government derived from the crown and parliament, opposing rights which they had ever acknowleged, and arraying themselves in arms against Great Britain: under such circumstances, he could not deny the necessity which impelled this country to assume a hostile attitude: but though he acquiesced in the measures of government, he looked forward to pacification, and hailed the present proposition as the dawn of peace.

Mr. Fox exulted in the retrograde movement of the minister, from scenes of violence and war, to the paths of peace; and attributed this change to the perseverance of a firm and spirited opposition: still he questioned the sincerity of the motion now

made; as it exhibited two faces: to the Americans it offered a semblance of reconciliation, but to the advocates of British supremacy it exhibited a resolution never to abandon that object. This conduct would alienate the minister's friends; whilst those who sincerely desired peace would not trust his specious offers; and the Americans would reject them with disdain.

The principal objection to the motion arose from its disagreement with the address, by which lord North was embarrassed: at length, however, the apparent contradiction was reconciled by Sir Gilbert Elliott, who observed that the address contained two correspondent lines of conduct; the one tending to repress rebellion, for which measures of restriction had been resorted to; the other offering indulgence to those that would return to their duty: this in the address was necessarily intimated in general and vague terms; but was so far from being contradictory to it, that without it the plan adopted at the beginning of the session would be defective and unjust.

Colonel Barré attacked the minister on the ridiculous situation from which he was extricated by Sir Gilbert Elliott; and his motion, as founded on that abominable maxim, *divide et impera*. This was to divide the Americans, and dissolve their generous union in defence of their rights: but they were not to be caught with such a bait. Mr. Burke declared that the present measure was mean without being conciliatory; that it was a far more oppressive mode of taxation than that hitherto adopted; for it made no determinate demand: the colonies were to be held in durance by troops and fleets, until singly and separately they should offer to contribute to a service they could not know, in a proportion they could not guess, on a standard which they were so far from being able to ascertain, that parliament had not ventured to hint at the scope of their expectations. He compared this conduct to the tyranny of Nebuchadnezzar, who ordered the assemblies of his wise men, on pain of death, not only to interpret, but to tell him the subject of a dream which he had forgotten. Every benefit, natural and political, must be acquired in the order of things, and in its proper season: revenue from free people must be the consequence, not the condition of peace: if this order were inverted, neither peace nor revenue could be obtained.

On the report of the committee being presented, the debate was renewed; but the resolution was agreed to. The plan itself appears to have been commendable in this; that it did not compromise the dignity of the parent state, or require abject submission from the colonists: acquiescence was however probably expected by neither party; and the opposition deemed

the present a good occasion for them to put forth a plan of conciliation, the terms of which might, by comparison, cast a censure on that of the minister. The task of drawing up such a proposition was committed to Mr. Burke, as a person qualified for it by his enlarged principles of philosophy, his genuine philanthropy, and his political wisdom; whilst he was especially pointed out by his connexion with America, as colonial agent for New York, and by the seat he occupied as representative of Bristol, at this time the second city in the British empire.

On the twenty-second of March this accomplished statesman brought forward his memorable articles, thirteen in number, as the means of restoring tranquillity: these went to repeal many acts of parliament and to reform many regulations; but the foundation on which the whole rested, was the mode of raising a revenue from the colonists, through grants and aids by resolutions in their general assemblies. He introduced this plan by a speech, which, after all due allowance to be made for the spirit of party, may be considered one of the finest specimens of eloquent pleading recorded in history. In the opening of it, Mr. Burke took a comprehensive view of the state of Britain, as connected with America; and acknowleged the difficulty which he felt in advancing any proposition for permanent tranquillity: anger and violence, daily increasing, were hastening towards an alienation of the colonies: his proposition was peace; not peace through the means of war; not peace to be hunted through the labyrinth of intricate and endless negociations; not peace to rise out of universal discord, fomented from principle in all parts of the empire; not peace to depend on the judicial determination of perplexing questions, or precision in marking the shadowy boundaries of a complex government; but simple peace, sought for in the spirit of peace, and laid in principles purely pacific.—'I propose,' said he, 'by removing the ground of difference, and by restoring the former unsuspecting confidence of the colonies in the mother country, to give permanent satisfaction to your people; and, far from a scheme of ruling by discord, to reconcile them to each other in the same act, and by the bond of the very same interest, which reconciles them to British government.' He declared that his plan of conciliation was founded on the sure and solid basis of experience; that neither the chimeras of imagination, nor abstract ideas of right, nor mere general theories of government ought to be attended to. Taking advantage of the acquiescence of the house in the late ministerial plan, to infer, as from an established principle, that colonial

complaints were not without foundation; that conciliation was admissible previous to concession; and to conclude that the proposals ought to originate with Britain;—he entered into a copious display and elucidation of his subject. Dwelling on the enlarged population of America, and the increased importance of her trade both in exports and imports, he mentioned the astonishing fact, that during the present century the amount of those exports to Britain had risen from £570,000 to upward of £6,000,000 annually. Animated by this view of their great and growing prosperity, and pursuing the colonists in imagination into every quarter of the globe where their active and ardent genius had found the means of exertion, he exclaimed, in a lofty strain of eloquence,—'Whilst we follow them into the north amongst mountains of ice, whilst we behold them penetrating the deepest recesses of Hudson's-bay, whilst we are looking for them beneath the arctic circle, they have pervaded the antipodes, and engaged under the frozen serpent of the south: nor is the equinoctial heat more discouraging to them than the accumulated winter of the poles: whilst some of them strike the harpoon on the coast of Africa, others pursue their gigantic toils on the shores of the Brazils. There is no climate that is not a witness of their labors. When I contemplate these things; when I know they owe little or nothing to any care of ours; but that they have arrived at this perfection through a wise and salutary neglect; I feel the pride of power and the presumption of wisdom die away within me; and I pardon every thing to their spirit of liberty.' In the character of the Americans, he contended that the love of freedom was the predominant feature; a fierce love of liberty, rendered jealous, suspicious, restive, and intractable, by the appearance of an attempt to wrest from them by force, or shuffle from them by chicane, the only advantage which in their estimation gave a value to life: and he affirmed that government, to be beneficial, or even practicable, must be adapted to the feelings, habits, and received opinions of the people; that all schemes which had been or could be proposed, without due regard to these concerns, would be found ineffectual and dangerous: distance also from the seat of government was a consideration of great importance.—'Three thousand miles of ocean,' he exclaimed, 'lie between you and your subjects! This is a powerful principle in the natural constitution of things for weakening government, of which no contrivance can destroy the effect: seas roll, and months pass, between the order and the execution: you have indeed winged messengers

of vengeance, who carry your bolts to the remotest verge of the sea; but there a power steps in, which limits the arrogance of the raging passions, and says, 'Hither shall thou go, and no farther.' Who are you, that you should fret and bite the chains of nature? Nothing worse happens to you than to all nations possessing extensive empire; and it happens in all the forms into which empire can be thrown: in large bodies the circulation of power must be less at the extremities: Nature herself has said it: the Turk cannot govern Egypt as he governs Thrace, nor has he the same dominion in the Crimea and Algiers which he has at Brusa and Smyrna: despotism itself is obliged to truck and huckster: the sultan gets such obedience as he can: he governs with a loose rein, that he may govern at all: Spain in her American provinces submits to this immutable condition, the eternal law of extensive and detached empire.' From these investigations, he proceeded to examine the means by which a new government had been established without the ordinary artificial means of a positive constitution, better observed than the ancient government in its most fortunate periods; and yet formed in the midst of anarchy. Against the daring and stubborn spirit which could achieve such a prodigy, only three modes of proceeding could be found to change it;—by removing the causes; by prosecuting it as criminal; or by complying with it as necessary. To alter those causes which were moral, he pronounced no less impracticable than to remove those which were natural. The second mode was too vast for his ideas of jurisprudence: he confessed that he was not acquainted with the method of drawing up an indictment against a whole people; he could not insult and ridicule the feelings of millions of his fellow-creatures; he was not ripe to pass sentence on the gravest public bodies, entrusted with magistracy of great authority and dignity, and charged with the safety of their fellow citizens on the same title with himself: he really thought, for a wise man, this was not judicious; for a sober man, not decent; for a mind tinctured with humanity, not mild or merciful: nor were the criminations hitherto adopted attended with a correspondent effect: Massachussetts-bay was declared in rebellion; but no individual was convicted or even apprehended: measures of coercion were resorted to, rather resembling qualified hostility against an independent power, than the punishment of rebellious subjects. Conciliation and concession then alone remained: the colonies complained of being taxed in a parliament where they were not represented: if they were to be satisfied, it was by

giving them the boon they asked; not another of a kind totally different, but which might be thought better for them. He deprecated all discussion on the right, as foreign from the question, which related merely to expediency: whether the grant of money was a private power reserved out of the general trust of government, and how far mankind in all forms of polity were entitled to an exercise of that right by the charter of nature; or whether, on the contrary, a right of taxation was involved in the general principle of legislation, and inseparable from the ordinary supreme power;—'these,' he said, 'are deep questions, where great names militate against each other; where reason is perplexed, and an appeal to authorities only thickens the confusion: for high and revered authorities lift up their heads on both sides; and there is no sure footing in the middle: this is, in the language of Milton,—

> A gulf profound, as that Serbonian bog,
> 'Twixt Damietta and mount Casius old,
> Where armies whole have sunk.'

He disclaimed, therefore, any intention to decide on the question of right, and wished to consider solely the question of policy. Without inquiring whether they had a right to render a people miserable, he asked whether it was not their interest to make them happy; and instead of taking the opinion of a lawyer on what they might do, he thought it more consonant with reason, humanity, and justice, to consult what they ought to do in an emergency like the present. The colonies, as they had hitherto been governed, were living monuments of the wisdom of our ancestors: the only method of governing them with safety or advantage, was by admitting them to an interest in our constitution, and by recording that admission in the journals of parliament; to give them as strong an assurance as the nature of the thing would allow, that we mean for ever to adhere to the system originally established. The idea of governing by force he reprobated, as gross in its conception, uncertain in its effects, and ruinous even in its success. In conformity with these principles, parliament must revert to the ancient constitutional policy of the kingdom, which established taxation in America by grant, and not by imposition; which recognised the legal competency of the colonial assemblies for the support of the civil government in time of peace, and for public aids in time of war.

In explanation and vindication of this long-established policy, he pleaded the unrepresented state of the colonies, and the

injustice of taxing them by a British parliament. Distance prevented their sending deputies to England; and they had general assemblies of their own, legally authorised to raise taxes: those assemblies had frequently granted large subsidies to the king, which had been found a more agreeable and beneficial manner of forwarding the public service than acts of parliament; and he maintained, that a larger fund would be derived from prosperous gratitude, than could be obtained from compulsive oppression.

'What is the soil or climate,' he asked, 'whose experience has not uniformly proved, that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence, by the straining of all the political machinery in the world?'

He declared, in the strongest terms, the utter impossibility of our receiving a revenue in England, transmitted from America; and argued, from the example of Bengal, where the sums received in taxes were refunded by loan, that no fiscal emolument could be expected from a distant country. 'Bengal was peculiarly qualified to produce and transmit wealth; America had no such aptitudes: if she gave taxable objects, on which to lay duties here, and a surplus by a foreign sale of her commodities, she performed her part to the British revenue. With regard to her own internal establishments, she might, and doubtless would, contribute in moderation; nor ought she to be permitted to exhaust herself: magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our place as becomes our station, we ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire, and have made the most extensive and the only honorable conquests; not by destroying, but by promoting, the wealth, the number, and the happiness of the human race. Let us get an American revenue as we have got an American empire: English privileges have made it all that it is; English privileges alone will make it all it can be.'

These propositions of Mr. Burke were vigorously combated by the ministerial party, who stood on the necessity of opposing all unconstitutional claims; and who farther insisted, that no body of men, except parliament alone, could levy money for the use of the crown: it was argued therefore that

an adoption of the plan suggested might subject a minister to impeachment: when we farther consider that pride of power, which will scarcely ever yield as long as it supposes itself able to compel, we shall not be surprised that Mr. Burke's measure was rejected. Failing with the commons, he appealed to the public, by printing his speech: but while this was read, admired, and forgotten, a defence of American taxation from the charge of tyranny, published by his friend Dr. Johnson, found a much readier entrance into the hearts of a people predisposed to admit his arguments.[10] A few days afterwards, Mr. Hartley, a respectable member of opposition, attempted another conciliatory project, by moving, 'that letters of requisition should be issued, agreeably to ancient precedents, under authority of the crown, with a view to procure a permanent and voluntary contribution from the several colonies towards the general expenses of the empire;' but the motion was negatived without a division.

At this period, the livery of London, or rather a minority, by which its proceedings were often guided, attempted to turn the royal counsels by an address, containing a remonstrance, which was distinguished by the circumstance of its presentation by Mr. Wilkes, who had been elected to the dignity of lord mayor. In this document the citizens of London declared their abhorrence of the measures which had been and were then pursued, to the oppression of their fellow subjects in the colonies. Not deceived by the specious artifice of calling despotism dignity, they said they plainly perceived that the real purpose was to establish arbitrary power over all America: these measures, they affirmed, were carried into execution by the same fatal corruption which had enabled his majesty's ministers to wound the peace, and violate the constitution of this country. 'Your petitioners, therefore, do most earnestly entreat your majesty to dismiss immediately, and for ever, from your councils, those advisers, as the first step towards a redress of grievances which alarm and afflict your whole people.' The king's answer was delivered in a

[10] In this piece he defended colonial subordination on the principles of the law of nations; and maintained that the colonists, by their situation, became possessed of such advantages as were more than equivalent to their right of voting for representatives in parliament: he ridiculed the distinction between internal taxation and commercial regulations; and argued, that as the parliament may enact for America a law of capital punishment, it may therefore establish a mode and proportion of taxation.

tone of marked emotion, to the following effect:—'It is with the utmost astonishment that I find any of my subjects capable of encouraging the rebellious disposition which unhappily exists in some of my colonies in North America. Having entire confidence in my parliament, the great council of the nation, I will steadily pursue those measures which they have recommended, for the support of the constitutional rights of Great Britain, and the protection of the commercial interests of my kingdoms.' The lord mayor was prevented from replying by an intimation from the lord in waiting; and in a few days after, notice was sent, that the king would not receive any address on the throne from the city, except in its corporate capacity: this gave an opportunity to Mr. Wilkes of raising a new contest.

Attempts were made in both houses to procure a repeal of the act for settling the government of Canada, but without effect. Alderman Sawbridge did not forget his annual motion for shortening the duration of parliaments, in which he was supported by Mr. Wilkes, who also applied, but in vain, to obtain a revision of proceedings regarding his election for Middlesex. On the motion of Mr. Gilbert, a committee was appointed, March 27, to consider the poor laws; and in consequence of a message from his majesty, Buckingham-house was purchased, and settled on the queen, in lieu of Somerset-house, which was converted into public offices. The session closed with business of finance: the amount of the supplies for 1775 was £4,307,450; and £1,000,000 of three per cent. annuities was paid off at eighty-eight per cent. £1,250,000 exchequer bills were discharged, and new bills to an equal amount issued: the land tax was continued at three shillings in the pound; and the total of ways and means, exclusive of exchequer bills, but including the £1,000,000 of national debt discharged, was £5,309,246.[11]

On the twenty-sixth of May his majesty prorogued the parliament, after expressing his satisfaction at the conduct they had pursued, and auguring the happiest results from their wise and salutary measures.

The die indeed was now cast; and the contest between England and her transatlantic colonies was unavoidably to be decided by the sword. Dr. Franklin, who had been lately engaged in some fruitless attempts at conciliation by persons of rank and authority, but was looked on by the government

[11] History of Lord North's Administration, p. 203.

with a suspicious eye, embarked rather hastily, in March, for that country which was about to profit so largely by his diplomatic talents. On the evening before his departure from London, he had a long interview with Mr. Burke; when he expressed considerable regret for the calamities which he anticipated as the consequence of ministerial resolutions, professing that nothing could give him more pain than the separation of the colonies from the mother country, under whose rule America had enjoyed so many happy days. Mr. Lee was left as colonial agent in his room.

The attention of all the European states was strongly drawn to a dispute so important in its results. That jealousy, which began to be entertained of the pre-eminence of Great Britain and of its great prosperity, inclined most of them to view the rupture with satisfaction, and to anticipate consequences disastrous to the parent state: her proceedings were generally considered as warranting such expectations; and we find them thus commented on by that keen politician, Frederic of Prussia:—'It is a difficult thing,' said he, addressing an English gentleman at his court, 'to govern men by force at such a distance: if the Americans should be beaten, which appears rather problematical, still it will be next to impossible to continue drawing from them a revenue by taxation. If you intend conciliation with America, some of your measures are too rough; if you intend its subjection, they are too gentle.'[12]

[12] History of Lord North's Administration, p. 204. His majesty ended by observing, 'Enfin, messieurs, je ne comprends pas ces choses là: je n'ai point de colonie: j'espère que vous vous tirerez bien de l'affaire; mais elle me paroit un peu épineuse.'

CHAP. XVI.

GEORGE III. (CONTINUED.)—1775.

Spirit of the colonies, especially that of Massachussetts—Expedition to seize stores at Salem—Affair of Lexington—Formation of an army by the provincials, and other measures—Arrival of lord North's conciliatory propositions—Conduct of Pennsylvania and other states—Meeting of the general congress, and measures adopted—Reinforcements sent from England—General Gage's proclamation—Preparations for hostilities—Battle of Bunker's-hill—Appointment of Washington as commander in chief—His arrival at Boston, and disposition of the army—General Gage's inactivity: he is recalled, and the command devolves on general Howe—Armed cruisers fitted out by the provincials; capture of British store-ships, &c.—Successful expedition against Ticonderoga and Crown Point—Resolution of congress thereon—Colonel Arnold's proposals adopted by congress—General Montgomery's expedition to Canada; capture of Fort St. John and Montreal—Contemporaneous expedition of colonel Arnold, who arrives opposite Quebec—His first operations unsuccessful—Junction of Arnold and Montgomery—Siege and unsuccessful assault of Quebec—Montgomery's death—Disposition and revolt of the southern provinces—Falmouth in Massachussetts burnt—Americans issue letters of marque, and build ships—Conduct and prospects of the colonists considered—Opinions in England—Proceedings of the democrats—Rev. John Horne—His libel, trial, and sentence—Affair of Mr. Sayre—Parliament meets—King's speech—Amendments proposed, and debates—Duke of Grafton differs from his colleagues—Lord Barrington averse to coercive measures—Debates on the introduction of foreign troops into Gibraltar and Minorca—Militia bill—Number of forces to be raised—Duke of Grafton resigns the privy-seal—Other changes—Lord George Germaine made secretary for the American department—Nova Scotia petition—Petition of congress—Governor Penn examined at the bar of the lords—Motion of the duke of Richmond respecting it negatived—Mr. Burke's conciliatory motion—Lord North's prohibitory bill—Debates on it—Sentiments of the ministry—Treaties with German princes for troops.

In the mean time military preparations continued on the side of the Americans, no endeavors being omitted by their leaders to familiarise them with the notion of recurring to the force of arms, in publications and harangues These, and the

dispersion of the members of congress through the provinces, gave a decided preponderance to the popular cause; whilst the efforts of government were comparatively languid, and often deferred till the time of action had gone by. At first indeed, a few assemblies, like that of New York, refused to admit the resolutions of congress; but they were soon induced to join the confederation; and at length, provincial assemblies and private meetings all spoke the same language, resistance to taxation external or internal, and to every other act of coercion. Pennsylvania, Virginia, Maryland, and Connecticut, which latter province boasted a park of forty cannon, were conspicuous in augmenting the levies, and supplying them with stores from their domestic resources; but in Massachussetts, where the spirit of resistance was first manifested, the banner of revolt was destined also first to be unfurled. Its congress met on the fourth of May, and published an address to the people, stimulating their zeal, recommending encouragement to skilful artisans, denouncing those who supplied the royal troops with stores, exhorting the militia and minute-men [13] to acquire discipline as well as arms, and alarming all with declarations that government had resolved on a complete subjugation of the province: at the same time they contrived to repress every kind of outrage and violence; well knowing how important it is, in the commencement of civil wars and revolutions, to acquire a character of moderation, and to refrain from striking the first blow. General Gage's unsuspicious temper, his aversion to violent remedies, and the forbearance of his troops, instead of convincing the populace how reluctant those in authority were to draw the sword, rather encouraged them in opposition; and though the most daring spirits had quitted the capital to spread discord through the country, numbers sufficiently hostile to the governor were left behind, to give intelligence of his projects, and to counteract his movements. This soon appeared on one of those expeditions which were sent out for the purpose of seizing arms and stores.

General Gage, having intelligence that a *dépôt* of ordnance had been collected at Salem, despatched a field-officer with a small detachment, for the purpose of securing it: these troops landed at Marble-head on Sunday, February 26, and were on full march to execute their orders; but a quick messenger

[13] Persons who enrolled themselves under an engagement to be ready at a minute's warning.

had been despatched before them to Salem; the artillery was withdrawn into the country; the people were dismissed from their churches; and, being provided with means of resistance, assembled at the drawbridge, which they raised as the troops approached. Colonel Pickering, who was at the head of the multitude and a small body of minute-men, informed the British commander, that the stores were the property of the people, and would not be surrendered; on which the troops were ordered to secure a large gondola, and thus force a passage over the narrow stream: but the owner of the boat[14] beat a hole through its side, and sank it to the bottom: it is said, that being wounded in this act by the soldiers, his was the first blood shed in the revolution. In the mean time, the parties were becoming so exasperated, that a conflict was momentarily expected; when a clergyman[15] judiciously interposed to prevent such a catastrophe; assuring the British officer that he would not reach the place where the stores were deposited before night; and that if he should force a passage over the river, the spirit of the people was so determined, that he could not return without a dreadful carnage, which from the nature of the country would fall chiefly on his own men. Moved by these representations, the commander[16] sent a message to colonel Pickering, pledging his honor, that if he would permit him to save appearances by passing over the bridge, he would return to Marble-head without attempting to seize the stores: on this, the colonel ordered the whole multitude to arrange themselves on both sides of the road: the drawbridge was let down; the British regulars marched through the silent ranks of the patriots; and having proceeded a few furlongs beyond them, countermarched, recrossed the bridge, and returned to Marble-head, where they embarked that evening for Boston.

This failure might have taught general Gage the policy of reserving his expeditions for very important occasions, or at least of sending a force capable of bearing down all opposition: yet the next was of a like nature: for having received intelligence that a quantity of stores was collected at the town of Concord, about twenty miles from Boston, he thought it expedient to detach the grenadiers and light infantry, whom he sent under lieutenant-colonel Smith and major Pitcairne, to destroy them.

[14] 'Joseph Sprague, at that time major of the Essex militia.'—Life of T. Pickering, in the American National Potrait Gallery.

[15] 'The Rev. Mr. Barnard.'—Life of Pickering.

[16] Said to be colonel Leslie, in the work above referred to.

Notwithstanding all precautions, there is reason to believe that this design had transpired, and intelligence been conveyed from Boston to the country; for the advance of the British troops was notified by an alarm along the whole tract through which they had to pass. On the nineteenth of April, they arrived at Lexington, fifteen miles from Boston, where they perceived the militia drawn up by the side of the road. Major Pitcairne, riding up, commanded them as rebels to throw down their arms and disperse; but the latter part of this order only was put into execution; and whilst the Americans were retiring in confusion, a few guns were fired, by which one man was wounded and the major's horse shot. The British soldiers, thus irritated, returned the fire, killing eight men and wounding many others: being in the mean time joined by the grenadiers, they continued their march to Concord, where they found a more numerous party of militia assembled on a hill, which commanded the town. The light infantry, being sent to dislodge them from this position, drove them over a bridge on the other side of Concord, where they kept them in check until the object of the expedition had been accomplished; after which, they retired from a sharp skirmish with the provincials, who had returned to the charge at the bridge, and began their march back towards Boston: the whole country, however, was now in arms; minute-men, militia, and volunteers, assembled from all quarters, and posting themselves behind walls and hedges, or stationed in houses, galled the British troops by an irregular fire, whilst a strong body pressed vigorously on their rear. It happened fortunately, that general Gage, foreseeing the danger of the service, had despatched lord Percy, with sixteen companies of foot and two field-pieces, who met his retreating countrymen at Lexington; and having formed his troops into a hollow square, enclosed the whole party, exhausted with fatigue, and gave them time for rest. The united detachments then began their retreat towards Boston, experiencing a foretaste of that destructive warfare, against which the best armies found it impracticable to contend; for the Americans, who were excellent marksmen, kept up an incessant fire from their places of ambush. Thus harassed with excessive fatigue, the British battalions reached Charlestown at sunset; and crossing the ferry next morning, re-entered Boston, with a loss of sixty-five killed and 180 wounded. The provincials had about fifty killed and thirty-eight wounded: but their loss was more than compensated by this auspicious commencement of the contest, which excited

hatred and contempt for the royal troops, and confirmed the waverers throughout the province. The militia now assembled so fast, that an army of 20,000 men was formed under the command of colonels Ward, Pribble, Heath, Prescot, and Thomas; who, fixing their head-quarters at Cambridge, extended a line of encampment of about thirty miles from that town, on the right, to Roxburgh, and on the left to the river Mystic, which they strengthened with artillery: here they were soon joined by general Putnam, a brave and experienced officer, who had served with distinction in the last war; and who, as soon as he heard of the battle of Lexington, left his plough in the middle of the field, like another Cincinnatus; and without changing his clothes, took horse, and repaired to Cambridge.[17] The provincial congress made great exertions to clothe and pay this besieging army, voting a large sum in paper currency, for the redemption of which the faith of the province was pledged: they also drew up an address to the people of England, complaining of the conduct of the troops, professing great loyalty, but appealing to Heaven for the justice of their cause, and declaring their determination to die rather than sacrifice their liberty: nor were the other provinces backward in exhibiting a like spirit. At New York the populace seized the magazine of arms, instituted military associations, and called a provincial congress: in New Jersey they took possession of the treasury; and the quakers of Philadelphia, renouncing the principles on which they had hitherto acted, took up arms as volunteers, under the pretence of self-defence.

In this state of ferment, lord North's conciliatory propositions arrived, and were read first in the assembly of Pennsylvania by governor Penn, who expressed an anxious wish that its members would take into deliberation terms dictated by equity and moderation, and become, if possible, instruments of restoring tranquillity to their country. Unmoved however by this appeal, the house determined unanimously not to desert that union of the colonies to which they were pledged;—a union established on just principles, and conducted by general counsels: they considered the prosperity of their own province

[17] It is said, that general Gage, unwilling to have so valuable an officer opposed to him, privately sent a proposal, that if he would quit the rebel party, he might rely on being made a major-general in the English service, and receive a large pecuniary reward: but the offer was indignantly spurned.—Life of Putnam, in the American National Gallery.

intimately connected with that of the colonies in general; and though they deprecated civil war, they thought the subversion of American liberty would be a still greater evil. Other colonial assemblies urged different arguments against the reception of propositions, which were regarded universally as a scheme for dissolving the national union: all concurred in referring them to the general congress: but this was in itself a rejection, since their legality never could be acknowleged by the British government.

On the tenth of May, congress met at Philadelphia, in defiance of a prohibition from the British secretary of state, lord Dartmouth, directed to the provincial governors. Their first acts were to frame resolutions for organising an army, and the emission of a paper currency, guarantied by the united colonies;—to stop all exportation of provisions to the British fisheries, and to every colony or island which continued obedient to the British government;—to resolve, that, by violation of their charter, the people of Massachussetts were absolved from allegiance to the crown, and might lawfully establish a new government;—to prohibit the negociation of bills of exchange, or any orders issued by officers of the army and navy, agents, or contractors;—and to stop all supplies for the forces by land and sea: they also established a general post-office, and placed it under the superintendence of Dr. Franklin. That celebrated man, who was a member of this second congress, had been strenuously engaged ever since his arrival in America, stimulating his countrymen to action, and forwarding the march of revolution.[18] It was by his suggestion that paper money was adopted; and by his strong representations the people acquiesced in a measure, without which the resistance to Britain must have been feeble and short.[19] A few days after the meeting of con-

[18] The following account of the employment of his time, extracted from his correspondence, will show with what spirit the cause was taken up by its leaders:—'My time was never more fully employed: in the morning, at six, I am at the committee of safety, appointed by the assembly to put the province into a state of defence; which committee holds me till near nine, when I am at the congress; and that sits till after four in the afternoon: both these bodies proceed with the greatest unanimity, and their meetings are well attended. It will scarcely be credited in Britain, that men can be as diligent with us from zeal for the public service, as with you for thousands per annum. Such is the difference between uncorrupted new states, and corrupted old ones.'

[19] 'The first emission of 3,000,000 of dollars took place on the

gress, Peyton Randolf, their first president, retired; and his situation was conferred on John Hancock of Boston. Georgia now added itself to the confederacy, which from this time assumed the appellation of 'The Thirteen United Colonies.'

An address was drawn up to the people of Great Britain, and a declaration of reasons for taking up arms; also addresses to the inhabitants of Canada, Jamaica, and Ireland; and a second petition to the king. In the first of these papers, they vindicated themselves from the charge of aiming at independence, professed their willingness to submit to the acts of trade and navigation passed before 1763, recapitulated their reasons for rejecting lord North's conciliatory propositions, and intimated to the inhabitants of England the hazard they would run of losing their own liberty, if their American brethren should be overcome. In their declaration, they enumerated the injuries which they had received, and the methods taken by the British ministry to compel them to submit. 'We have counted, however,' said they, 'the cost of this contest, and find nothing so dreadful as voluntary slavery.' Nor did they fail to insist on the facility of obtaining foreign assistance. In the petition to his majesty, it was stated, 'that notwithstanding their sufferings, they retained too high a regard for the country from which they derived their origin, to request such a reconciliation as might be inconsistent with her dignity and welfare. Attached to his majesty's person, family, and government, with all the devotion that principle can inspire, connected with Great Britain by the strongest ties that can unite society, and deploring every event that tended to weaken them, they not only fervently desired the former harmony between her and her colonies to be restored, but established on so firm a basis as to perpetuate its blessings, uninterrupted by any future dissensions, to succeeding generations. They prayed therefore that his majesty would be pleased to point out some method by which the united applications of his faithful colonists to the throne, in pursuance of their common councils, might be improved into a happy and perfect recon-

twenty-fifth of July, 1775, under a promise of exchanging the notes for gold or silver in the space of three years: towards the end of 1776, 21,000,000 more were put into circulation. Congress began to be uneasy, not knowing how it would be possible to redeem so large a sum, and consulted Franklin, who made the following reply:—'Do not make yourselves unhappy: continue to issue your paper money as long as it will pay for the paper, ink, and printing; and we shall be able by its means to liquidate all the expenses of the war.'—Memoirs, vol. ii. 10.

ciliation.' It was supposed that something like a Magna Charta for the colonists was hinted at in this latter clause: when the petition however was presented by Mr. Penn and Mr. Lee, they were informed that no answer could be returned to an illegal assembly; and nothing contributed more than this slight to the union of the colonists.

In the mean time, 10,000 fresh troops arrived from Britain, under the command of generals Howe, Burgoyne, and Clinton; the last of whom had served under prince Ferdinand in the seven years war, and had acquired the esteem of that illustrious commander. But although a large portion of this reinforcement had entered Boston, that capital still continued blockaded by the provisional army, and was reduced to considerable distress: at length, however, general Gage, as a last effort to restore tranquillity without bloodshed, issued a proclamation, in which, after describing the many unjustifiable acts of the provincials, and complaining of their blockade of the capital, he promised pardon to all who should return to their duty: but from this immunity he chose to except Samuel Adams and John Hancock, as the chief firebrands of sedition, 'whose offences were too flagitious to admit of any other consideration than that of condign punishment.' He also denounced their adherents, together with all who refused to lay down their arms, as rebels; and since the common law of the land was suspended, he proceeded to proclaim martial law until tranquillity should be restored.

As this proclamation was considered a prelude to hostilities, preparations were made by the colonists for a final contest with that country which had planted them in America, and raised them to maturity; a country, with which they were connected by the ties of consanguinity, religion, laws, and language; which they had been taught to consider as the first in the world; a country rich and powerful, with immense armies skilfully commanded, and victorious fleets. This great nation they dared to oppose, without money and arms, without armies or ships: but their ingenuity soon supplied them with military resources, and Providence had blessed them with a rich harvest of stout hearts and clever heads, wanting nothing but experience to render their names illustrious in the annals of the world. Whatever may be thought of the motives and origin of the war, England herself has reason to be proud of many amongst her intractable children, one of the bravest of whom particularly signalised himself in the action about to be described.

A height, called Bunker's-hill, at the entrance of the peninsula of Charlestown, was considered an object of importance to

both parties: a resolution was accordingly taken in a provincial council of war, at which general Putnam assisted, to establish a fortified post there; but when they came to execute this plan, by some mistake the intrenchments were thrown up on Breed's-hill, an eminence, like the other, not far from Boston. By unremitting diligence through the night of June 16, a redoubt was constructed unobserved by the British in their ships of war, which, at daybreak, commenced an incessant fire on the workmen: the provincials sustained it with intrepidity, and continued to labor until they had completed a breastwork and intrenchment extending from the east side of the redoubt to the bottom of the hill. As this eminence overlooked Boston, a resolution was immediately taken to attack it; and a detachment of 3000 select troops were ordered on the service under major-general Howe, and brigadier-general Pigot. Having landed at Moreton's-point, they formed in two lines, and advanced slowly; that on the right under general Howe, to attack the intrenchment; and that on the left under general Pigot, to storm the redoubt. The troops were suffered to form, and halted at intervals, in order to give their artillery time to demolish the American works; while thousands, both within and without Boston, were looking on the scene with various emotions. The left wing, in advancing, was fired on from some houses in Charlestown; and during the conflict which ensued, that suburb was set on fire and destroyed.

As the British moved slowly, the provincials had a better opportunity of taking aim: they also reserved their fire till their adversaries were within a short distance, when the volleys which they poured into the British ranks were so skilfully directed, that the royal troops recoiled and fled: again their officers rallied them, and again they were received with a fire so destructive, that there were not sufficient men left to make a charge: in the heat of battle the veteran Putnam was seen riding from front to rear, animating officers and men, and threatening to cut down the first who should disobey orders. During the second attack, one of those occurrences took place which tend to soften the rugged features of war, and especially demand the notice of an historian. As the British troops advanced, the Americans were ordered by Putnam not to fire, 'until they could see the white of their adversaries' eyes; and then to aim low at their waistbands:' the effect of this discharge was so terrible, that the gallant major Small was left standing alone, every one being shot down around him: the unerring muskets were then directed at him, and his fate

appeared inevitable: but it is fitting that the remainder of the story should be told in the major's own words:—'I glanced my eye towards the enemy, and saw several young men levelling their pieces at me: I knew their excellence as marksmen, and considered myself gone: at this moment, my old friend Putnam rushed forward, and, striking up the muzzles of their pieces with his sword, cried out, 'For God's sake, my lads, don't fire at that man; I love him as my brother.' We were so near to each other, that I heard his words distinctly: he was obeyed: I bowed, thanked him, and walked away unmolested.'[20]

At this crisis, general Clinton, from the opposite point, seeing the distress of the troops, volunteered his services, carried over a reinforcement, and with general Howe brought them back to the charge: animated by their presence, the British soldiers rushed to the assault with fixed bayonets, and drove the provincials from their works, of which they took possession: their loss consisted of 226 killed, and 828 wounded; whilst the Americans, by their own accounts, had 304 wounded, and 145 slain: among the most lamented of these was Dr. Warren, a physician, who acted as a major-general, and commanded the party in the redoubt.

As no pursuit was ordered, the Americans suffered but little in their retreat, except in their march over Charlestown-neck, which was raked by the Glasgow man of war: the English advanced no farther than Bunker's-hill, where they threw up works for their own security; whilst the Americans did the same on Prospect-hill in front of them: each party had well sustained its character; and though the royal troops claimed the empty honors of victory, the real advantage remained with their antagonists: they had measured their strength against the dreaded superiority of regular forces, and had no reason to be dismayed at the result: the blockade of Boston was continued; and the appointment of a commander in chief, se-

[20] These words were addressed by colonel Small in 1786 to colonel John Trumbull, afterwards president of the American academy, who was employed in painting a picture of this celebrated battle. Looking at the picture, he said, 'I don't like the situation in which you have placed my old friend Putnam: you have not done him justice: I wish you to alter that part of your painting, and introduce a circumstance which actually happened, and which I can never forget.' He then related the anecdote. See Life of Putnam, in the American National Portrait Gallery.

lected for his high and able qualities by the congress, promised to add consistency and effect to their future operations.

George Washington, called by his fellow citizens to that honorable and responsible office, was a Virginian gentleman of affluent fortune, who had distinguished himself in the Canadian war, particularly on the day of Braddock's defeat, when, at the head of the provincial militia, he covered the retreat of the British troops, and saved them from destruction. From the fields of his early fame he had turned his attention to the peaceful pursuits of agriculture, on the banks of the Potomac; where he diligently employed himself in improving the estate of Mount Vernon, which he had inherited from his mother. He is proved by his correspondence to have been sincerely desirous of preserving unbroken the ties of allegiance which bound the colonies to the parent state: but when the rupture was inevitable, and the voice of his country called her sons to deliberate and to act for the preservation of their independence, Washington relinquished his favorite occupations, and joined the first congress at Philadelphia: his high character, and the conspicuous part he had borne in the late war, caused him to be appointed on all committees where military knowlege was requisite; and when it was necessary to select a commander, he was unanimously chosen by his colleagues: he accepted the office with great diffidence, and declined all compensation beyond the payment of his expenses.

The man whom his country thus honored, by placing him in the front of danger, and entrusting him with a commission unexampled for the difficulties, the anxieties, and the high destinies that it involved, seems to have been one of those characters raised up by Providence for the accomplishment of great designs: his distinguishing qualities, which never could have been expected to meet in one man, were all peculiarly adapted to the emergency which called him forth. He was of a grave and sober temperament, of a reflective and deeply calculating turn of mind;[1] somewhat stern in demeanor, inflexible to the weaknesses of others, and inexorable in his purposes of public duty; yet strictly just, and when justice was satisfied, humane and generous: he was habituated to view things on all sides, to consider them in all relations, and to trace all the probable consequences of proposed measures. Possessed of a penetrating genius, and an activity that never

[1] See his correspondence *passim*.

flagged, he was ever meditating on schemes of public safety, or engaged in executing what his sagacity had contrived. When the army was at rest, its commander was in motion: the most distant stations, the fittest places for offensive or defensive operations, the secret agents of his midnight counsels, were visited by him in person; and the wild woods of America, her rocky caves, and mountain sides, were silent witnesses of his indefatigable exertions. With integrity to withstand all temptations, and magnanimity to resign all private interests, for the public welfare, he possessed the art of persuading others to follow him in the same narrow and difficult path of duty: and as no temptation could seduce him, so no difficulties, no losses, no sufferings, no defeats, could shake his fortitude or distract his counsels. Though the gloom which for a long period hung over his country's fate, communicated itself to her commander, and chased all traces of hilarity from his brow, he never despaired of her ultimate success. If indeed Washington had deserted her cause, her glory had been extinguished: if Washington had been induced by rash counsels to make a false step, the American armies had been undone: but unmoved by difficulties or dangers, obloquy or praise, he waited patiently for the times of action; and like the celebrated Roman, saved his country by caution, vigilance, and delay. In addition to his high endowments, nature had given him a robust constitution, a capability of enduring fatigue almost unexampled, a heroic countenance, and a stately figure, which seemed, as it were, expressly formed for command. If we consider the power that he opposed, the various interests that he united, the trials that he underwent, the policy that he displayed, and, above all, his characteristic modesty, his disinterested patriotism, and those high moral and religious feelings that adorned his life, where shall we find a parallel for the soldier and statesman of America!

As soon as Washington was invested with supreme command, he repaired to the camp. The congress of New York presented him with an address, principally relating to the preservation of the rights of citizenship; to which this great and good man made the following reply:—'When I assumed the character of the soldier, I did not forget that of the citizen; and I look forward with pleasure to that auspicious period, when the rights of my country being secured, I may retire to the sweets of peaceful tranquillity under the protection of the law.' Arriving at Cambridge, he entered on his duties early in July; when the British army under general Howe, was

intrenched in two divisions, at Roxbury-neck and Bunker's hill: the Americans were encamped on the numerous hills and eminences around Boston; their right extending towards Dorchester, and their left covered by the Bedford river. Their commander found himself at the head of about 15,000 men, variously armed, without artillery or tents, commissaries or quarter-masters; with a very small supply of bayonets and powder: the officers, with few exceptions, were without experience; most of the soldiers undisciplined, and all unversed in military tactics.

Complaining of his numerous deficiencies, he thus wrote to congress:—'We have no store of ammunition, no tools for intrenching, no engineers to direct the construction of military works: we have no money, and want clothing: there is a total laxity of discipline; and the majority is not to be depended on in the event of another action.'

These defects were to be remedied before offensive operations could be undertaken: the emergency demanded all the industry, perseverance, and firmness of Washington; and although he was indefatigable, the organisation of the troops occupied the summer and autumn.

Dividing his army into three divisions, he appointed major-general Ward to the right, and major-general Lee[2] to the left, himself remaining in the centre: and having, on his arrival, found the indefatigable Putnam engaged in carrying on the necessary defences, and being attracted by the activity and frank disposition of that estimable officer, he placed him over the reserve. The wise plans of Washington were aided by the remissness of the British commander, who, though apprised of the forlorn state of the American forces, declined offensive operations; and treated the information given to him of their distress, as a lure to draw him into some hazardous enterprise: the season, therefore, passed away without any transaction of importance. On the tenth of October general Gage was recalled, and the command of the British troops devolved on general Howe.

Both the assembly of Massachussetts and the continental congress resolved to fit out armed cruisers for the limited object

[2] A British officer of great talent, but of a restless and eccentric disposition, who had served during the late war with distinction in Portugal. He now resigned his commission in the British service, to serve in the American cause: he was by a considerable party thought to be the author of Junius's Letters.

of intercepting military stores and supplies destined for the British forces; but as the prospect of accommodation vanished, it was extended to all British property afloat on the high sea. The Americans were very diffident of their powers on this element; but fortune smiled auspiciously on their first efforts: for on the twentieth of November, the Lee privateer, captain Manley, took an ordnance vessel containing a large mortar, several pieces of brass cannon, a large quantity of arms and ammunition, with all manner of tools and machines necessary for a camp. If an order had been given for supplies, nothing more useful could have been sent to the colonists; and a very short time elapsed before the same officer captured several other ships conveying stores to the British army. By these means considerable distress began to prevail among the troops in Boston; and naval captures, being unexpected, were a matter of great triumph to the Americans, as well as of service to their cause.

Early in the year some very important enterprises had been undertaken in a different part of the American continent. A party of Connecticut gentlemen, having procured a loan of public money, concocted a scheme for surprising the important post of Ticonderoga, situated on a promontory near the junction of lakes George and Champlain, and the key of communication between New York and Canada. Having procured ammunition, and raised 270 men, mostly of a hardy race called green-mountain boys, they proceeded to Bennington, and placed themselves under colonel Ethan Allen: there they were unexpectedly joined by colonel Arnold, who, after the battle of Lexington, had received from the provisional congress of Massachussetts a commission to raise 400 men for the same purpose. He having agreed to act under Allen, they proceeded together: in the night of the ninth of May they arrived at lake Champlain, crossed over with eighty-three men, and surprising the commander in his bed, ordered him to deliver up the fortress. 'By what authority do you make this demand?' said captain de la Place. 'I demand it,' replied Allen, 'in the name of the Great Jehovah, and of the congress.' Resistance being useless, none was made; the place was taken possession of before the boats which had been sent back could return with reinforcements; and a store of ammunition and provisions fell into the hands of the captors. The reduction of Crown Point, situated at the southern extremity of lake Champlain, was also speedily effected; and their next object was to obtain the command of that lake itself, to effect which, it was necessary to possess

the Enterprise sloop of war, which lay at St. John's, near the northern extremity. For that purpose a schooner lying at South-bay was manned; and colonel Arnold, taking the command, set sail, carried the sloop by surprise, and returned with his prize to Ticonderoga, where, on the departure of Allen, he consented to remain in garrison.

Intelligence of these events was in a few days conveyed to congress. Though they rejoiced in the spirit of enterprise exhibited by their countrymen, they still feared lest they might be charged with aggression, at a time when they were expressing a unanimous desire of accommodation: they therefore recommended the committees of New York and Albany to remove all the stores to the south of lake George, 'in order that they might be safely returned, when the restoration of harmony between Britain and her colonies, so ardently desired by the latter, should render it consistent with the overruling law of self-preservation.'

Colonel Arnold, having begun his career with such success, was urged by this, and his natural impetuosity, to project more extensive operations. On the thirteenth of June he strongly pressed on congress the advantages of an expedition to Canada; offering, with 2000 men, to reduce the whole province. In his zeal to oppose Great Britain, he advised an offensive war even before an army had been organised; and his recommendations were adopted.

General Carleton, governor of Canada, having in vain attempted to induce the inhabitants to assist him in the recovery of Ticonderoga and Crown Point, soon found himself obliged to act on the defensive. Congress committed the management, in this northern department, to generals Schuyler and Montgomery: these officers, after issuing an address to the inhabitants, assuring them, 'that the sole views of congress were to restore those rights to which every British subject, whatever may be his religious faith, is entitled,' proceeded with 1000 troops, and on the tenth of September landed at St. John's, the first British post in Canada, lying 115 miles north of Ticonderoga; but the fortifications being found stronger than expected, a council of war was called, and a retreat recommended to Isle aux Noix: here general Schuyler being obliged to retire from service on account of ill health, the command devolved on Montgomery. This officer then returned and opened a battery against St. John's; but his ammunition failing him, he advanced against fort Chamblée, by the reduction of which he procured six tons of gunpowder. As the

garrison persevered in their resistance, governor Carleton collected 800 men, with which he set out to their assistance; but was prevented from crossing the St. Lawrence by colonel Warner with 300 green-mountain boys and a four-pounder. Seeing no farther hope of succor, the commander of St. John's surrendered the fort, and general Montgomery proceeded against Montreal: the few British forces stationed at that place endeavored to escape down the St. Lawrence, but were intercepted by colonel Easton at the point of Sorel river, where eleven sail of vessels fell into the hands of the provincials. As Montreal, which at this time surrendered to general Montgomery, carried on an extensive trade, the American troops obtained a supply of proper clothing; after which their commander, having secured the good will of the inhabitants by his liberal treatment of them, advanced towards the capital.

About the same time that Canada was invaded from this quarter, a detachment of the American army at Cambridge was sent on a similar expedition, under colonel Arnold, who conducted them to that royal province by a new route over the inhospitable deserts of the northern states. The invincible spirit with which this hardy band conquered the difficulties of their expedition, acquired for its commander the appellation of the American Hannibal. After having been long subjected to the extremity of cold and hunger, reduced even to eat the leather of their shoes, they arrived at Point Levy on the eighth of November, while general Montgomery lay at Montreal. Such was the consternation of the garrison at their unexpected appearance, that the intervention of the river probably saved them from capture; especially as general Carleton was absent. In a few days the attempt was made: colonel Arnold passed the St. Lawrence: but the panic occasioned by his first arrival was abated; the inhabitants united together for their common safety; the sailors from the vessels in the river were called in to man the batteries; and as the American chief had no artillery, he drew his troops from the heights near Quebec, purposing nothing more than to cut off supplies from the garrison till the arrival of Montgomery. In the mean time, general Carleton, having escaped in a boat with muffled paddles through the Americans at Montreal, arrived in safety at Quebec; and the affection which was borne to him, as well as the confidence reposed in his talents, stimulated all to make a determined resistance.

On the first of December, a junction of the two American detachments was effected at Point aux Trembles, and the siege

of Quebec commenced; but the fortune of war began to turn against the provincial commanders: dissensions broke out among the officers; the money furnished for the expedition was nearly exhausted; the severity of winter, and difficulties of every kind were increasing: under these circumstances, general Montgomery, being convinced that the siege must be raised or brought to a conclusion, determined on storming the place, though success was scarcely possible; for a third part of Arnold's detachment had returned to Cambridge, and a considerable number of his own was left at Montreal. Having divided his army into four companies, he ordered two feints against the upper town, reserving to himself and colonel Arnold the two principal attacks on the lower town. On the thirty-first of December he advanced, and passed the first barrier; but as he was on the point of attacking the second, he was shot dead, with his aide-de-camp and other officers; which so dispirited the men, that colonel Campbell, on whom the command devolved, retired. In the mean time, Arnold, having passed through St. Roch, and approached a two-gun battery without being discovered, carried it, though with considerable loss; and being severely wounded, was borne off the field: his party, however, pushing on, gained possession of a second barrier; but finding themselves hemmed in, they were obliged to capitulate: 100 are reckoned to have fallen, and about 300 to have been taken prisoners. The conflict being over, all exasperation gave way to better feelings, and the Americans who had surrendered were treated with humanity. Few men ever fell more regretted than Montgomery:[3] his body was solemnly interred by Carleton, whose magnanimity led him to acknowlege excellence even in an enemy: but notwithstanding the loss of this officer, and the wound which Arnold had received, the latter contrived, with the remnant of his troops, to continue the blockade of the city, which he reduced to great distress.

It is now requisite to take a transient view of affairs in some of the other colonies. Lord Dunmore, the governor of Virginia, had lost all his former popularity, by efforts to maintain

[3] 'The esteem in which his memory was held by Washington may be inferred from the following circumstance, as related in the life of Mrs. Washington:—'When ladies called at the president's mansion, the custom was for the secretaries and gentlemen of the household to hand them from and to their carriages; but when the honored relics of Greene and Montgomery came, the president himself performed these complimentary duties.'

the royal cause, and by the publication of his correspondence with lord Dartmouth, in which he severely analysed the motives and conduct of the province in resisting the mother country. After being engaged in disputes with the colonists, assailed with vehement invectives, and threatened with open violence, he removed his lady and family on board the Fowey man of war, fortified the government house, and surrounded it with artillery: the ferment, however, soon became so excessive, that he was obliged to join them; and he attempted, but in vain, to transfer thither the sittings of the assembly. His lordship having thus divested himself of authority, collected a small naval force, and carried on a sort of predatory warfare against the province, proclaiming martial law, requiring all persons capable of bearing arms to join the royal standard, and giving freedom to all negro slaves willing to serve against their masters; a measure which, without being productive of any advantage, since the province was in a state of defence, excited the utmost irritation and resentment throughout the colony. Having hoisted the royal standard at Norfolk, which place he was soon obliged to evacuate, he again retired on board ship, attended by so many loyalists, that provisions began to fail; and being denied all supplies by the republicans, who were now in possession of that florishing town, he cannonaded it, and set fire to the wharfs; by which means it was reduced to ashes, and property consumed to the value of £300,000. This act alienated the Virginians from the British government; and lord Dunmore, after sending the liberated slaves to Florida and the West Indies, joined the army under general Howe. So important, however, was Virginia to the British government, that means were set on foot to recover it; and an extensive scheme was arranged by one Connelly, a native of Pennsylvania, for attacking this and the other southern colonies from the interior, where the people were known to be loyal; for which purpose the garrisons of Detroit and other inland posts were to be assisted by the Indians and Canadians: but the contriver of this plan, being betrayed by his confidential assistant, was seized, sent to Philadelphia, and treated with great rigor; whilst the publication of his papers and plans materially served the cause of independence. A similar result proceeded from the application of Sir James Wright, governor of Georgia, to general Gage, for the co-operation of a small military force, by which the colony might easily have been kept under subjection. Intelligence having been given to some of the agents of congress, the messenger was waylaid, his

despatches seized, and others forwarded, of a contrary tendency, so nicely forged, as to deceive the person to whom they were addressed.

Governor Martin and lord William Campbell, having adopted a policy similar to that of lord Dunmore, withdrew for safety on board the king's ships. In Maryland, the wisdom of governor Eden prevented all such violent proceedings; and when the British authority was superseded, he retired from the colony with the esteem of all parties. In Pennsylvania a strong military association was established; and one common spirit pervaded the united provinces of America.

The principal scene of hostilities was still confined to Massachussetts, where, in the course of predatory hostility, the town of Falmouth was cannonaded and totally destroyed, in revenge for some offence relating to supplies, and on the refusal of its inhabitants to deliver up their arms. In return for this injury, the assembly of Massachussetts passed an act dated November 13, 1775, granting letters of marque and reprisal, and establishing courts of admiralty for the trial and condemnation of British ships. Congress also determining to meet the force of Britain on her own element, issued orders for building five ships of thirty-two guns, five of twenty-eight, and three of twenty-four. The garrison of Boston was maintained by supplies from England, a proportion of which was intercepted by the American cruisers: the town continued blockaded through the winter; and the troops, especially those in the outer defences, suffered incredible hardships from the severity of the season. Nor did the inhabitants escape their share of calamity, which was considerably augmented by several severe edicts issued by general Howe.

Altogether the transactions of this year were favorable to the American cause: much had been done to irritate the colonists and to cement their union; but very little in the way of conquest: measures of coercion had been met with firmness; conciliatory propositions had been rejected; and such masters of political intrigue had these republicans showed themselves, that with sentiments of loyalty constantly on their tongues, they advanced rapidly in the cause of revolt. The result of their military operations, even the gallant bearing of their little army in Canada, though unsuccessful, inspired them with confidence; the expulsion of the royal governors from the southern colonies left them free to act; the valor and skill of many of the officers afforded exhilarating prospects for the future; whilst the appointment of Washington, who ob-

tained the affection and confidence of all ranks, was in itself a tower of strength.

In Britain, the arguments which were brought against the policy adopted by government after the termination of the contest, were at this time rarely heard: the cause of the mother country was considered just, and therefore popular: as the Americans were generally deemed rebels and cowards, coercion was considered expedient and easy; whilst those who vindicated their resistance, were met by a charge of levelling principles and hostility to monarchical government: most people supposed, that the grand object of ministers was to raise a revenue from the colonies; and as it was impossible to doubt the issue of the contest, the reduction of taxes by that measure was still a pleasing object of hope to the country gentlemen: this ignoble desire on their part, and the king's determination to preserve the prerogatives of his crown, were the main supports of lord North's administration. Nor was the loss of American trade much felt at present: considerable remittances had been received before the ports were closed; peace between Russia and Turkey had occasioned large orders for British articles in the Baltic and Levant; whilst the great demands attending the commencement of hostilities gave energy to commerce: hence it happened, that numbers even of British merchants were induced to join in praise of administration, and in loyal addresses which were sent up from all parts of the kingdom.

Political discussion, as might be expected at such a time, ran high, and tended greatly to revive the distinction of whigs and tories: a few of the former class considered opposition to parliamentary authority as a deviation from the true doctrine of whiggism; but the greater part thought that its essence consisted in resisting arbitrary measures: whilst the reasoning of the tories favored despotic power, the opinions of the whigs were of too republican a cast. 'On viewing the reasonings for and against taxation,' says an acute observer,[4] 'as contained in the parliamentary debates and political treatises of the times, a reader may perceive a striking difference. The supporters chiefly argued from alleged instances, the opponents from general principles: the promoters pointed out certain cases in which British subjects were taxed without their own consent;

[4] Dr. Bisset, in his History of the Reign of George III. vol. ii. p. 296.

whereas their adversaries contended that it was a fundamental rule of the British constitution, that no supply should be granted but by the people or their delegates; that the exceptions confirmed the principle; and if certain classes submitted to be under the exception, others were not obliged to follow their example. The Americans, said the ministerial party, are as much represented as many inhabitants of Britain who have no vote. To this two answers were returned: first, that every Briton is virtually represented, since the laws that bind him, bind also the legislators: secondly, the premises were admitted, but not the conclusion; that because within this realm many without being represented paid taxes, therefore the Americans were bound to do the same. The wisest and best of the anti-ministerialists dwelt less on the abstract question of taxation; they insisted chiefly on expediency: we had gained much, and might gain more, from the increasing prosperity of the Americans, without taxation: we were losing much, and were likely to lose a great deal more, by the attempt to extort a revenue: it was our interest to return to the policy which produced gain, and abandon the counsel which produced loss.'

If we did not know how strong the powers of prejudice are in overcoming the arguments of sound policy, we should feel more astonishment at the prevalent disposition of the king, ministers, parliament, and people of Britain at this momentous period. That the opportunity of creating popular commotion, and of raising themselves into celebrity, should have been seized on by factious demagogues, need not at all surprise us. The first collision in arms brought out all the mock patriots of the metropolis: the 'Society for Constitutional Information,' formed from the wreck of the 'Bill of Rights' club,' immediately held a meeting; and the Rev. John Horne, first the supporter, next the rival, and now the successor of alderman Wilkes in popular favor, moved, 'that a subscription be raised for the relief of the widows, orphans, and aged parents of their American fellow-subjects, who, preferring death to slavery, were, for this reason only, *murdered* by the king's troops at Lexington and Concord, on the nineteenth of April, 1775.' A vote of the society for £100 was carried, and the money ordered to be transmitted to Dr. Franklin: but as the other members, comprehending the peril of the case, hesitated to sign the order, Horne took on himself the responsibility, and affixed his name: for this he was prosecuted; and was sentenced to pay £200, to be imprisoned one year, and find securities for three; but his

vanity was gratified by the opportunity of making a sarcastic speech, and his hopes were elated by the prospect of rising on the public discontents.

The offence of Horne was a direct challenge to government, whose authority must have been diminished, if it had refused to notice such an insult: its conduct, however, was open to animadversion, when Mr. Sayre, an American merchant, was committed to the Tower on a ridiculous charge of high treason. The grounds of it were not specially declared, but report said, that he had formed a design to seize the king at noon-day in his way to the house, to carry him out of the kingdom, occupy the Tower, and overturn the government; to effect all which, he had bribed two guardsmen, each of whom engaged to gain a file of privates. The evidence for this accusation was Mr. Richardson, an adjutant in the guards, who declared on oath, that Mr. Sayre had intimated to him such intentions; and on this, lord Rochford committed him to the Tower, where he was kept five days; but at the end of that time, he was let out on very slight bail. No prosecution was attempted; the bail was discharged; and Mr. Sayre, having sued lord Rochford for illegal imprisonment, recovered £1000 damages.

The two houses assembled on the twenty-sixth of October. The king's speech alluded to the revolt of the colonies; and especially to the illegal acts of certain persons, who had assumed to themselves legislative powers, which they exercised in the most arbitrary manner. His majesty commended the disposition of parliament during the last session, as manifesting a desire to reclaim rather than subdue; and he expressed his own anxiety, had it been possible, to have prevented the effusion of blood: he had hoped that his American subjects would have perceived the traitorous designs of their leaders, and been convinced that to be a subject of Britain, with all its consequences, is to enjoy the highest degree of civil freedom. He spoke of friendly offers which had been made of foreign assistance; and of having sent Hanoverian troops to Gibraltar and Port Mahon, to replace such British regiments as should be drawn from those garrisons for the American service: he also professed a readiness to receive the deluded multitude with tenderness, on the confession of their faults; and to prevent inconvenience, he would give a discretionary power to commissioners to grant general pardons; suggesting the propriety of authorising such persons to restore to any submissive colony the exercise of its trade. Finally, he informed both houses,

that he saw no probability of any impediment to his measures from the hostility of foreign powers.

An amendment to the address was proposed by lord John Cavendish, and the principle and conduct of the contest was vehemently arraigned. The facts assumed in the speech were declared to be untrue; the confiding such important fortresses as Gibraltar and Port Mahon to foreigners was strongly condemned, and the idea of conquest exposed to ridicule. Colonel Barré censured the conduct of the campaign. Mr. Fox observed, that lord Chatham, Frederic of Prussia, or Alexander the Great, never gained more in one year than our government had lost—for it had lost a whole continent. General Conway, though joined with administration, would not support all their measures; for he reprobated the idea of conquering America, declared against the right of taxation, and wished to see the declaratory act repealed.

In answer to these objections, the necessity of regaining America by force was maintained: government had anxiously attempted to do this by the civil power, through a love of lenity; but it now designed to send out an ample force, with a sufficient fleet to ensure subjection. The extravagant pretensions of the colonial assemblies, as well as of the general congress, and their encroachments on all the rights of the parent state, were amply exposed. With regard to revenue, parliament had often declared, that it would never tax the Americans, unless they refused to contribute a due proportion to the expenses of the state: they knew that a reasonable sum would be accepted; but would not, to gratify their mother country, offer a single shilling. Lord North observed, that to repeal all the acts passed since 1763, must indeed terminate the dispute; for it would at once raise America to independence: at the same time he vindicated those acts from the charge of injustice.

The marquis of Rockingham moved a similar amendment to that in the commons; but earl Gower avowed that the administration had been misled during the late events in America: New York, he said, had been forced into hostile measures by the insurgents of Connecticut; and he predicted, that if the friends of government were well supported by a force from this country, the colonies might soon be brought to a sense of their duty without any scenes of misery and bloodshed.

The rashness of these predictions was exposed by the earl of

Shelburne, who advanced it as a plain fact, 'that the commerce of America was the vital stream of this great empire:' at the same time, whilst he looked to the independence of that country as the result of the contest, he confessed that such independence would be the ruin of Britain.

The duke of Grafton, though not concurring in the amendment, expressed sentiments directly hostile to administration. His apology for having supported them, by alleging that he had been deceived, was not very creditable to one who had so long guided the helm of state: nor was it a proof of his judgment to declare, 'that he had concurred when he could not approve, from a hope, that in proportion to the strength of government, would be the probability of an amicable adjustment.' The amendment was negatived by a large majority; but a protest was signed by nineteen peers.

After the delivery of such opinions, the duke of Grafton could not long remain in the cabinet: his grace, however, was not the only member of administration who differed with his colleagues on the subject of American taxation. Lord Barrington, who was perhaps most abused for the part which he was supposed to take in its promotion, is proved to have been most earnest in laboring to avert it: his observations and remonstrances at this time, both to the ministers and to the king, are very creditable to his sagacity. In a letter to lord North, dated August 8th, 1775, he says, 'as it is the measure of government to have a large army in North America, it is my duty and inclination to make that measure succeed to the utmost; though my opinion always has been, and still is, that the Americans may be reduced by the fleet, but never can be by the army.'[5] To the earl of Dartmouth, in allusion to five regiments about to be sent from Ireland, he observes, 'I am not apprised where they are going; but I conclude, they are intended to act as a separate corps in North America, to the southward: if there should be an idea of such a force marching up the country, I hope it will not be entertained; for there must be great danger of its wanting many essential necessaries, where there is so little to be had, so much desire to prevent our having that little, so much difficulty in conveying artillery, stores, provisions, &c.. and so much hazard of losing communication with the ships: allow me once more, my dear lord, to remind you of the necessity there is, in all military matters, not to stir a step without full consultation of able military men, after giving them

[5] Political Life, p. 159.

the most perfect knowlege of the whole matter under consideration, with all its circumstances.'[6]

Subsequent events showed the justness of his observations; these however were not confined to fruitless expenditure, but extended to the danger which might accrue, at so critical a period, to the mother country. In the eagerness of sending troops to the conquest of America, England was soon almost divested of its military force; whilst an enemy abroad, and a faction at home, were co-operating for its ruin. On this subject he submitted to his majesty a memorial, in which he advised that the militia should be called out; but suggested great caution in drawing men for the whole year, and putting them under the severity of martial law.[7]

In the debates above alluded to, the measure of entrusting Gibraltar and Minorca, the keys of the Mediterranean, to foreign garrisons, was opposed, not only as being repugnant to the bill of rights, but as an alarming precedent of foreigners introduced, and armies raised by a British king, without the consent of parliament. In answering this objection, Mr. Thurlow observed, that the clause alluded to in the bill of rights did not apply to any territory beyond the limits of Britain: the necessity of the case was also urged, and the introduction of 6000 Dutch troops in 1745 was cited as a precedent. Lord North acknowleged himself the adviser of the measure, and treated the opposition with an unbecoming levity; but he was obliged to yield to the representations of some among his friends, as well as of his opponents, and ask leave to bring in a bill of indemnity.

The duke of Manchester on the same day made a motion against this unconstitutional practice, which the earl of Rochford, as one of its advisers, declared was justifiable: but having heard of lord North's intention, he moved the previous question; which however was negatived: the duke of Grafton was the only cabinet minister who condemned the measure, as inconsistent with the tenor of Magna Charta. A similar motion of censure was made in the commons by Sir James Lowther, and disposed of in the same manner. The bill of indemnity passed the commons, but was rejected by the lords; the marquis of Rockingham observing, that it would disgrace the statute book to afford indemnity to those who acknowleged no offence, and the members of administration declaring themselves indifferent about the event.

[6] Political Life, p. 160. [7] Ibid. p. 166.

Lord North brought in a bill to assemble the militia in cases of rebellion; which passed, with a rider, limiting its duration to seven years: the number of forces, to be employed by sea and land in the ensuing year, indicated great designs: 28,000 seamen, including marines, were voted; and 50,000 men for the land service.

In the mean time, the duke of Grafton had resigned the privy-seal, which was given to the earl of Dartmouth: he was succeeded in the secretaryship for the American department by lord George Germaine, who, as lord George Sackville, had been subjected by the sentence of a court martial to much obloquy: this nobleman had supported the stamp act, and now enforced American taxation. Of a commanding figure and manly elocution, appealing to the judgment of his hearers more than to their imagination, concise and argumentative, he was listened to with attention: by him the operations of the war are supposed to have been planned and superintended. The earl of Rochford also having about this time retired, was succeeded by lord Weymouth as secretary for the southern department; and the young lord Lyttleton, who had opposed the address, was gained over to administration at the expense of his consistency, by the allurements of office.[8] In this manner did the cabinet prepare itself for the arduous enterprise that lay before it.

At the opening of the session, a loyal petition was presented to both houses from the assembly of Nova Scotia, in consequence of lord North's conciliatory propositions, which was intended by those who promoted it in that colony to be a precedent to others: it proposed to grant to his majesty in perpetuity a duty of poundage, *ad valorem*, on all commodities imported into the colony, not being the produce of the British dominions in Europe or America, bay-salt only excepted; by which means the amount of the revenue would keep pace with the wealth of the province. Ministers, in a committee of the house, supported this proposition, thinking the example inviting to the other colonies, and suggesting a duty of eight per cent.: but objections were drawn from the unproductiveness of the new impost, compared with the old duties; and the small chance of other colonies following the example of a district which had always occasioned an expense to government, and required a yearly grant from parliament. Whether the ministry, in

[8] He was made a privy counsellor, and chief justice in Eyre beyond Trent.

prosecuting this measure, saw its inefficacy, or an overruling power had gained an ascendency in the cabinet, to which the long catalogue of grievances, which even this poor and dependent spot dared to exhibit, was offensive;—nothing more was heard of the petition after it had passed the committee.[9]

On the sixth of November, the petition of congress, which had been alluded to in the king's speech, was submitted to parliament; and when the lords were proceeding to consider it, the duke of Richmond, seeing Mr. Penn, late governor of Pennsylvania, standing below the bar, urged the propriety of examining him as a witness; which proposal, after a long debate, was conceded.

The examination was conducted by the duke himself, who had previously submitted to the house the questions he intended to propose: the opinions elicited from it showed that the members of congress were men of character and intelligence; that the people generally considered themselves capable of resisting the arms of Great Britain employed to enforce the obnoxious acts; that the war was commenced in defence of their liberties, not from a desire of independence; but unless conciliatory measures were speedily pursued, it was to be feared that connexions with foreign powers would be formed, which they would not easily be induced to renounce; that they were dissatisfied with the reception of their petitions, but inclined to acknowlege the authority of Britain, in all particulars, except taxation.

On this evidence, partial and imperfect as it was, his grace founded a motion, 'that the petition was a ground for conciliation;' and he extolled its language as that of submission, so far as was compatible with the rights secured to freemen by the constitution, and descanted on the dangers of conquest: in which sentiments he was ably supported by lord Shelburne. Lord Dartmouth defended the refusal to answer the petition; and lord Lyttleton attacked the partiality of the witness, characterising the Americans as audacious rebels, and their sentiments as insidious, traitorous, and false expressions of loyalty. Lord Sandwich, whose mildness in debate was a contrast to lord Lyttleton's violence, laid open many errors in the statements of American power, and rectified some mis-statements of the strength of the country. The duke of Richmond's motion was negatived by eighty-six to thirty-three.

On the sixteenth of November Mr. Burke again thought it

[9] Lord North's Administration, p. 218.

expedient to propose measures of conciliation. In his speech he observed, that three plans seemed to be afloat with regard to America: the first, simple war with a view to complete conquest; the second, force mixed with negociations, which appeared most favored by ministers, but met with his disapprobation; the last, peace grounded on concession; in conformity with which he moved 'for leave to bring in a bill for composing the present troubles, and quieting the minds of his majesty's subjects in America,' founded on the statute of Edward I. *de tallagio non concedendo:* according to which precedent, he proposed a renunciation of taxation, a repeal of statutes made on a contrary principle since 1766, a general pardon, and a congress to be held by royal authority for the adjustment of differences.

This proposition, though negatived, caused a long debate: its principal opponent was governor Pownal, who followed the mover, exposing many fallacies in his reasoning. The chief fault in the plan, he said, arose from the proposer's partiality to his own friends: the Americans would not be content with a repeal of the acts passed since 1766: when they limited their present complaints to infringements on their rights since 1763, they carefully reserved the farther consideration of American claims to a future day. He was adverse to all partial concessions, which could produce nothing but an endless succession of quarrels: to make the bill in any degree efficacious, it should extend redress to 1672: for they complain of the admiralty jurisdiction; and that is as old as the act of navigation. 'To my argument,' said he, 'it is nothing how far this is right or wrong, grievous or otherwise: the Americans complain of it; and if the bill which is to afford redress must be effectual in order to gain their confidence, this does not go far enough: there are others willing to go farther.' On the seventh of December, Mr. Hartley also brought forward conciliatory resolutions, which were negatived, lord North objecting to the attempt as unseasonable, until experiment were made of the prohibitory bill, which was then passing through the house.

This measure had been introduced by the minister himself. for the purpose of exacting obedience from the colonies by the prohibition of all commercial intercourse with the thirteen united states of America. It authorised the commanders of his majesty's navy to make prize of all American ships and goods, whether on the high seas or in harbor; and a clause was inserted which made every American taken in them liable to serve as a common sailor in our ships of war, and to be considered

as a volunteer. As this prohibitory bill comprehended every species of commerce along the coast of the confederated states, all former acts, which affected any branch of trade, were repealed by it: terms, however, of pardon were held out to the revolters, and commissioners appointed to give effect to them, as well as to inquire into any real grievances, of which the colonists might have to complain.

In answer to the attacks made on this measure, lord North vindicated himself, by observing, that the dispute about taxation was begun long before he, as minister, engaged in it: he only embraced it, when the colonies, already taxed, disputed a right which the country had determined never to surrender. If they made war a medium through which their claims were to be advanced, he must follow them through it. Mr. Fox decried the proposition, as tending to destroy all trade with America, and accused the minister of wishing to ruin our manufacturers in order that they might enlist in the army. He moved, as an amendment, to omit the whole except what related to the repeal of the obnoxious acts. The proposition was vehemently opposed, being represented as a formal abdication of our government of the colonies, and termed a bill for more effectually carrying into execution the decrees of congress, by completing the union of Americans between themselves, and exciting them to make foreign alliances. Petitions were presented against it by the West India merchants without effect; and an attempt was made in vain to exempt Georgia from its operation. During this debate, a discussion arose touching the duties of military men in such cases. Lord Howe declared no struggle was so painful as that between his duties as an officer and as a man: that if left to his own choice, he should decline to serve; but if commanded, he should not refuse to submit to his duty. General Conway discriminated between a foreign war and a domestic strife: in the former, no officer ought to question the justice of his country; in the latter, a military man ought to examine the justice of the cause. Mr. Thurlow combated this notion with indignation, for if once established it must tend to a dissolution of government. In defence of the bill, it was said, that the Americans were already in a state of warfare with us, which made it necessary to retaliate by sea and land, as against alien foes. Every colony or smaller district had its option to avoid any damage or distress, by acknowleging the legislative supremacy of the mother country; and with regard to the alleged hardship of transferring American prisoners to the king's ships, it was

said, that instead of being punished as rebels, they received pay. Mr. Fox's amendment was rejected by 192 to 64.

In the lords the contest was no less violent and acrimonious; the peers in opposition contending that the Americans were falsely considered as rebels; for having been forced to take up arms in defence of their property, their resistance to acts of oppression was justifiable in every moral sense. These sentiments were reprobated by lords Lyttleton and Denbigh, as greatly overstepping the license of debate, and affording a precedent to justify treason. During the progress of the bill several amendments were made. On the last reading, lord Mansfield defended it, and at the same time vindicated the conduct of the government towards the Americans: he had always thought they were as much bound to obey acts of the British parliament, as the inhabitants of Middlesex; and proceeded to show, that since the peace of 1763 the northern provinces had been meditating independence: but allowing that all their professions of allegiance were genuine, that they had been led into this rebellion by a few factious persons, and that every measure hitherto taken by us to enforce submission was cruel or unjust; admitting all this to be true, was Great Britain to rest inactive till America thought proper to begin the attack? 'We are now,' said his lordship, 'in such a situation, that we must either fight or be pursued;' and he illustrated his position by the anecdote of a Swedish general, under Gustavus Adolphus, who pointing to an advancing enemy, thus addressed his troops:—'My lads, you see those men; if you don't kill them, they will kill you.' He then went through the resources of the Americans, and their aggressive acts against this country; asking if we were to stand idle till they brought their arms to our very doors; and declaring that the consequences which must ensue from our inactivity or concession would be worse than any we had to dread from pursuing the present plan, or agreeing to a final separation. The bill passed without a division: but the efforts of opposition had been so incessant, (though the declining health of lord Chatham relieved ministers from the attacks of his impetuous eloquence) and the affairs of America were beginning to assume so perplexing an aspect, and misgivings among some of our mercantile bodies so evidently to appear, that it is well known the ministerial phalanx began to waver, hesitating between false shame which opposes the abandonment of projects precipitately embraced, and un-

pleasant forebodings of ultimate failure.[10] Fear, lest the cause of their transatlantic brethren might gain popularity with the British people, induced them to look abroad for support; and treaties were concluded for a supply of troops with the duke of Brunswick and other petty despots of Germany, who traded in the blood of their subjects, and let out their persons to be slaughtered at a fixed price: and thus his majesty was afterwards enabled to purchase 16,000 mercenaries to put down disaffection in America. The empress of Russia, whose aid was expected, and in some degree promised, would not permit her troops to be so disgraced; though she still continued on amicable terms with Britain, and cajoled our politicians with intimations of future assistance.

[10] Mr. Gibbon says, in a letter written during the recess, January 18th, 1776, 'I think our meeting will be lively; a spirited opposition, and a desponding majority. The higher people are placed, the more gloomy are their countenances, and the more melancholy their language. You may call this cowardice; but I fear it arises from their knowlege of the difficulty and magnitude of the business.'

CHAP. XVII.

GEORGE III. (CONTINUED.)—1776.

Affairs of the Irish parliament—Motion of Mr. T. Townshend regarding the lord lieutenant's message—Debates on it—Mr. Fox's motion to inquire into the ill success of his majesty's arms in America—Copies of the treaties with German potentates for troops laid before the house—Debates thereon—Duke of Grafton's motion for an address to his majesty—Mr. Hartley's in the commons—Mr. Sawbridge's motion—Motion for a militia in Scotland rejected—Mr. Wilkes's project of parliamentary reform—Duchess of Kingston's trial—Unseasonable motions by general Conway and Mr. Hartley—Supplies, &c.—Prorogation of parliament—King's speech—Sentiments of foreign powers—Favorers of the American cause in England—Dr. Price's publication—Dr. Johnson's 'Taxation no Tyranny'—Alderman Wilkes's philippic against the corporation of London—Domestic events—Retirement of Garrick from the stage—State of the British and Americans at Boston—Difficulties of Washington's situation—Fortification of Dorchester heights—Evacuation of Boston by the British—Important advantages resulting from it to the insurgents—Mission of Indian chiefs—Affairs of Canada—Franklin's letter to M. Dumas—Arnold's unsuccessful attack on Quebec—Retreat of the Americans—Affair of captain Forster, and bad conduct of the Americans—Vigorous measures taken by general Carleton to expel them from his province—Failure of an attack on the British by general Thompson—Arnold's retreat to Crown Point, and command of lake Champlain—Pursued by the British under general Carleton—Preparation of a flotilla by this latter officer—Naval operations on the lake—Arnold defeated, and Crown Point abandoned—Affairs in the southern states—Operations of general Clinton and Sir Peter Parker—Attempted conquest of Charlestown—Attack on Sullivan's Island, which fails—Expedition under general Howe and admiral lord Howe against New York—Manifesto of congress to prepare the public mind for independence—Thomas Paine's pamphlet, &c.—Question of independence proposed and carried in the congress—Declaration published—Lord Howe's declaration—His address to Washington, and correspondence with Franklin—Defeat of the Americans on Long Island—Their retreat to New York—General Sullivan's mission to congress—Conference on Staten Island—Diplomatic agency of the United States—Views of France—First measures in 1775 for the organisation of American diplomacy—Dr. Franklin, Arthur Lee, and M. Dumas—M. de Beaumarchais—Silas Deane's mission to France—Three commissioners sent in 1776—

Mr. Lee's mission to Spain—Proceedings of the commissioners in France—British attack and capture of New York—Washington's retreat—Action at White Plains—Capture of fort Washington—Washington retreats behind the Delaware—Capture of general Lee—Acts of the congress—State of the American army — Washington recrosses the Delaware — His brilliant success at Trenton and Princeton—His winter campaign in the Jerseys—Meeting of the British parliament—King's speech—Address and debates thereon—Lord John Cavendish's motion for revising the acts of which the colonists complained—Secession of a party of opposition members from parliament—Ropeyard at Portsmouth burnt by John the painter—Projected expedition for the discovery of a north-west passage.

When parliament met after the Christmas recess the first important measure related to Ireland. In that country, as we have seen, a considerable change had taken place regarding the form by which its government was administered; and this had been effected by a profuse expenditure. During the administration of lord Townshend, £500,000 was lavished in reducing the power of the oligarchy through the corruption of parliament; and by the extravagance of parliament in granting premiums and bounties, united with that of the viceroy in procuring adherents for government, a redundancy of about £500,000 was within twenty-three years converted into a debt of nearly £1,000,000. When the country was so deeply embarrassed, the public revenue became insufficient for the exditure, and the government was reduced to the ruinous expedient of successive loans.[11] It was not to be expected but that Ireland would share in the sensations excited by the American contest, from the state of its finances, and the disposition of its people: during the government of lord Harcourt, strong parties were formed, and accounts were frequently transmitted of the defection and migration both of laborers and manufacturers: but for the last few years no important transaction had occurred; and when lord North brought in his bill for restraining the commerce of New England, among other measures taken to counterbalance the inconveniences that might ensue, he granted bounties to Irish ships engaged in the fisheries of Newfoundland and Greenland; and removed some restraints, which in other respects affected the Irish commerce: as the American contest however advanced, the parliament and the citizens of Dublin began again to harass government with cabals and remonstrances.

[11] Miller's History philosophically illustrated, vol. iv. p. 466.

On the tenth of October, 1775, the lord-lieutenant met the two houses; when, after recapitulating the benefits lately derived from the liberality of the British government, he reprobated the rebellious spirit of the colonists and recommended attention to the discharge of arrears. A money bill was transmitted to England; but, having been altered in council, was on its return rejected; which prevented an immediate supply.

On the twenty-third of November, lord Harcourt sent a message to the commons, requiring, in his majesty's name, 4000 troops for the American service, to be taken into British pay; and offering, if it were the desire of parliament, to replace them by continental auxiliaries. The house with reluctance consented to this diminution of their national force; but, leaving the ministerial party in a minority, refused to admit the foreign substitutes: opposition, however, unsuccessfully attempted to obtain an act for embodying the militia.

As the message proposing the employment of Irish troops obviously meant that they were to be paid by Britain, which was nothing less than an engagement by the crown to dispose of public money without the consent of the commons, Mr. Thomas Townshend moved, on the fifteenth of February, that the lord-lieutenant's message was a breach of privilege. The arguments by which he supported his motion, were drawn from the principles and practice of the constitution concerning pecuniary grants, and the designs which such attempts to counteract them displayed: he also commented on the folly of taking 3000 men into pay when 4000 only were required. The debate was animated; nor did the ministerial speakers all take the same ground: some contended, that the Irish speaker had mistaken the viceroy's message, which only meant that his majesty would pay the 4000 foreigners; others, that when the Irish establishment was increased, the king had engaged to maintain 12,000 troops in that kingdom, except in case of invasion or rebellion in England; and the present demand not being within those exceptions, it was necessary that his majesty should be absolved from his promise: an application to the English house of commons would have been a violation of that promise.

On the other side, it was said, that the message was an experiment, made to establish a pernicious precedent: that it was the aim of government to habituate both countries to certain notions, which might destroy the independence of parliament in each. The scheme had a tendency to invest the crown with a power of taxing both countries; in Ireland, the

minister was to ask some favor; then England was to be pledged: in England, Ireland was to be taxed, in order to maintain the supremacy of the British legislature. The various modes of defence used by the ministerial party were very successfully ridiculed; and in answer to an insinuation by Mr. Dunning, that although this message had been disavowed here, the lord-lieutenant would not have risked it on his own judgment, lord North acknowleged that his majesty's servants in England acted in co-operation with those in Ireland, though they did not consider themselves responsible for their conduct: he however justified the message on the ground of expediency, though averse to a discussion of the right. Mr. Thurlow, who had for some time been the tool of ministers, treated the motion as a party squib, denying that the preamble to an Irish law was binding on the British parliament. The motion was negatived.

On the twentieth of February, Mr. Fox's motion came on, to inquire into the causes of the ill-success of our arms in North America, and the defection of the Canadians. Avoiding every extraneous subject, he confined himself to an inquiry whether the proceedings of ministers had produced the desired effects. Beginning with the Boston-port bill, he pursued a detail of ministerial operations; and placed in the strongest light, what he called folly in the cabinet, and inability in forming their plans: at the same time he inveighed against the disgraceful servility of parliament; and concluded by observing that none objected to inquiry, but those who were culpable themselves.

Unable to resist Mr. Fox's reasoning, ministers attempted to elude it, but exhibited a want of coincidence in argument. Lord North was much less decisive in his defence than were many of his coadjutors, who more than once endeavored to recall him from his tone of moderation. As in his measures he had betrayed a disposition to conciliate, which was counteracted by his more violent abettors; so in discussion he frequently endeavored to palliate rather than to defend: his hesitation probably arose about some doubts as to the wisdom of the plan pursued. On the present occasion, he admitted that miscarriages had happened; but it was impossible to foresee every event: he was ready to resign his office, whenever the house should withdraw its confidence: there was no danger, however, of this extremity; for an appeal to the candor of the house produced a rejection of Mr. Fox's motion by 240 to 104.

On the twenty-ninth of February, copies of treaties were submitted for the purchase of troops, made by his Britannic majesty with the duke of Brunswick, the landgrave of Hesse Cassel, the hereditary prince of Hesse Cassel, and subsequently with the prince of Waldeck. These potentates stipulated to supply a force of 17,742 men; but the terms appeared to be extravagantly high: levy money was to be paid at the rate of £7. 4*s*. 4*d*. a man: all extraordinary losses in battle, or otherwise, to be compensated by the king. Each of the despots was to receive, in addition, an annual subsidy in proportion to the number of men; the duke of Brunswick £15,519 so long as his troops received pay, and double that sum for two years after; the landgrave of Hesse £108,281, and also to have twelve months' notice before payment was discontinued, after his forces returned to his dominions: to the princes of Hesse and Waldeck, who contributed near 700 men each, were assigned £6017. The dominions of all were guarantied against foreign attack.

On moving to refer these compacts to a committee, lord North dilated on the fairness of the terms: men were thus raised more speedily, and at a less expense, than was possible in this kingdom. His statements, however, were combated by the opposition, who represented Great Britain as disgraced in the eyes of Europe; impoverished, but still extravagant; and reduced to apply in the most humiliating manner to petty German states. What, it was asked, would be the expenses of a contest, of which they had now such a specimen? Nor did the principle of fighting national battles by foreigners escape severe strictures.

The employment of any foreign mercenaries was deprecated, as precluding all possibility of reconciliation; but German troops were represented as peculiarly improper on the present occasion: they would be sent for the purpose of enslaving numbers of their own countrymen, who had fled from tyrants to the protection of Britain; but most of them would be induced to desert, by the offer of land in the country. The question for referring the treaties to a committee was carried by 242 to 88; and that for agreeing to the report by 120 to 48: on receiving it, however, an address was voted to the king, on the motion of colonel Barré, to clothe all the German troops with British manufactures.

In the lords, the duke of Richmond moved for an address to countermand the foreign troops, and to suspend hostilities. He entered into a detail of the treaties with the landgraves of

Hesse from 1702 to 1761; and having pointed out a regular advance in extortion, he computed the charge of the mercenaries at the unprecedented sum of £1,500,000. Towards the close of the Canadian war, Mr. Mauduit, an ingenious calculator, found that every French scalp had cost £10,000. His grace then animadverted on the large proportion of officers employed, the danger of keeping so many foreigners under their own generals, and the situation of this country if France or Spain should attack it. These observations were ably enforced by other peers: violent censures were expressed against the power reserved to a foreign prince of administering justice within the British dominions; to effect which, as the terms of the treaty itself declared, an executioner, with his train of attendants, formed part of the Hessian establishment. The stipulation to assist these powers was also reprobated; and it was asked, how, if the dominions of Hesse were attacked by a decree of the imperial chamber, we could either enter into war, or excuse our breach of treaty?

In reply, the treaty was stated to be drawn up in the usual forms. On the latter part of the motion, for discontinuing hostilities, the old topics were advanced with additional violence. The wantonness and ruinous expense of the contest were denounced by lord Camden and the duke of Grafton the population of America was pompously displayed; and the termination of all connexion between England and her colonies predicted. The advocates of ministry supported their measures by tracing the history of the colonies, and showing their constant disposition to factious resistance. Lord Temple reprobated the intemperance of opposition. 'The next easterly wind,' said his lordship, 'will convey to America every expression used in this debate; and I would not that the nakedness and weakness of my country should stand confirmed by the sanction and authority of such testimony. It is time to act, not to talk; for the die is cast, the sword is drawn, and the scabbard thrown away. Past experience certainly will not justify confidence in ministers; but I will not, by declaring our utter inability to reduce the colonists, furnish a golden bridge for an ignominious, ruinous, and disgraceful peace. I have heard the war called unjust: who in this house have a right to call it so? Not those who voted for the declaratory act: those only who denied our right of taxation; and how very few were they! I cannot approve of recalling troops, and publishing the terms to which you will yield, until there is reasonable assurance of their not being rejected. When the happy moment for

conciliation shall arrive, I hope ministers will seize it: I wish them success: at least, at such a crisis I will not hang on the wheels of government, rendering that which already is but too difficult the more impracticable.' The motion was negatived by 100 to 32; but the proposed address was entered on the journals, with the names of ten peers protesting against its rejection.

On the fourteenth of March, the last grand effort was made to avert this unnatural contest by the duke of Grafton, who moved for an address, beseeching his majesty to issue a proclamation, declaring that if the revolted colonies, within a reasonable time before or after the arrival of the troops, should present a petition to the commander in chief, or to the commissioners appointed under the late act, setting forth what they considered to be their just rights and real grievances, hostilities should be suspended, and the said petition referred to parliament.

In debating this proposition, the greatest latitude of discussion was taken, and every matter connected with the affairs of America amply investigated. Among other arguments to promote it, his grace stated, that he had received intelligence of messengers having been sent by France to general Washington and the American congress; and he argued that this conciliatory measure would induce the colonists to decline foreign alliances: besides, it was the only method left to extricate ministers and the country from the present embarrassing situation of affairs. The system of conquest and coercion must be considered as romantic; and even if it should succeed, who could expect long to retain America in subjection? The only plausible objection was, that by receding, Britain would encourage America to advance more extravagant demands: in that case, however, the ground of contest would be understood; administration would acquire stability; and the only subject of debate would be, whether it were best to conquer or to abandon. Ministers, however, and their adherents, contended that conciliation had now become impracticable, and that nothing could more certainly prevent it than concession: the honor of the king, the parliament, and the country, demanded that hostilities should not cease, till America should so far submit as to acknowlege the authority of the legislature; and this acknowlegement would be speedily brought about by the rigorous measures now adopted. France, it was said, would not interfere between us and our colonies: if she had any such intention, it was an additional argument for employing force to subjugate them,

before they could be joined by so powerful an ally: at all events, we had now passed the Rubicon; and it was no time for us to be considering plans of conciliation. In this point of view indeed ministers were right, and seemed to know the disposition of their antagonists better than the opposition. After lord Sandwich had vindicated the state of the navy from some imputations, and lord Hillsborough had explained his letter to the American governors in 1769, lord Dartmouth moved the previous question, in preference to a direct negative. The duke's motion was lost by thirty-one against ninety-one.

Mr. Hartley afterwards presented the form of an address to the commons for empowering the commissioners to offer terms to the Americans, instead of demanding unconditional submission; and proposing that they should be placed on the same footing with Ireland, in regard to procuring grants. In conformity with this suggestion, Mr. Sawbridge, the lord mayor, made a motion on the tenth of May: during the debates Mr. Temple Luttrell displayed violent language, declaring that the king's speech was a sanguinary *parole*, the ministry an infernal administration, and that future acquiescence in their measures would be highly criminal; quoting also the observation of Thales, 'that of all wild beasts, the worst was a tyrant; of tame ones, a flatterer.' He was called to account for this breach of decorum by Mr. Rigby; and the motion was negatived.

During this session, a bill was proposed for establishing a militia in Scotland, which was patronised by members from that country, but opposed by English senators as unnecessary: since Scotland paid only one fortieth of the land-tax, on which the expenses of the militia lay, and her population was only a fifth of that of England, it was considered unreasonable in her to apply for a militia, in the maintenance of which her proportion of the expenses would be so small, compared with the advantages received. After a warm contest, in which the minister was left in a minority, the motion was rejected. Alderman Sawbridge made his annual motion respecting the duration of parliaments: and Mr. Wilkes not only attempted, as usual, to reverse the decision on the Middlesex election, but brought forward a project of parliamentary reform. Having expressed a wish that every free agent in the country should be represented, he demanded that the number of members for London, Middlesex, and Yorkshire should be increased; that the mean boroughs, called 'the rotten part of the constitution,' should be cut off, and their electors thrown

into the county constituency; finally, that the populous trading towns, such as Birmingham, Manchester, and Sheffield, should send representatives. The motion was rejected without a division. Soon afterwards the upper house was engaged with the trial of the duchess of Kingston for bigamy, in which she was convicted; but pleading the privilege of the peerage for exemption from corporal punishment, she was discharged on paying the fees.

Abundantly as the affairs of America had been discussed, an ineffectual attempt was made by general Conway, on the day before the prorogation of parliament, to carry a motion for laying before the house the pacific powers with which the commissioners were invested; and at the moment when his majesty was expected in the lords, the indefatigable Mr. Hartley proposed an address against the prorogation of parliament, in order that, sitting by adjournments during the summer, they might be at hand to provide for contingencies.

The supplies for 1776 were £9,000,000. In providing the ways and means, a loan of £2,000,000 was found necessary; but the funds for paying the interest being taxes on articles of luxury, the minister maintained his reputation in the department of finance: after passing a vote of credit for another £1,000,000, parliament was prorogued on the twenty-third of May. The king, in his speech, represented the country as engaged in a great national cause, attended with much difficulty and expense: but as the essential rights and interests of the whole empire were deeply interested in the issue, and as no security could be found but in the constitutional subordination contended for, he thought no price could be too high for the preservation of such an object: he also dwelt with pleasure on the assurances he had received from the different European powers, which promised a continuance of tranquillity.

At this very time France and Spain were preparing armaments under various pretences, and the queen of France was under the influence of Choiseul, the enemy of England, both nations still smarting under the disgrace of the late war. Frederic of Prussia could scarcely stifle his resentment against us; Catharine of Russia had refused her promised aid; and almost every other state was looking with anxiety to the diminution of our naval superiority. The emperor of Austria alone seemed steady in approving the part taken by Britain, as being in accordance with the monarchical principles of that court: '*je suis par mêtier royaliste,*' was his

answer to one who ventured to ask on which side his wishes were inclined. In England, however, the colonists had the most powerful allies: their advocates in parliament outstepped the limits of sober discussion, and gave encouragement to their cause both in England and America: the dissenters generally declared for them; and the press teemed with publications in their favor. The most conspicuous of these was from the pen of Dr. Price, entitled 'Observations on the Nature of Civil Liberty, the Principles of Government, &c.;' in which he strove to depreciate the British government, while he extolled the spirit which gave rise to the American revolution. 'In speaking of England,' says Mr. Adolphus,[12] 'he never assumed a grand or expansive view of the constitution or government, but guided the attention of the reader to some isolated part, some solitary proposition; which being taken separately from its intimate connexions and relations, afforded subject of exaggerated censure or unqualified misrepresentation. In speaking of America, on the contrary, he rarely descended to particulars, but took an extensive range among abstract principles; and treated government, liberty, and colonisation, not as practical topics, but as subjects of theoretical examination.' One of the most noted works on the other side came from Dr. Johnson, entitled 'Taxation no Tyranny:' it embodied most of the arguments employed in the senate to establish the supremacy of the British legislature; but like the work of a partisan, its views were sometimes narrow, and its opinions clouded by prejudice. To the sensible view of the question taken by dean Tucker,—that our gains would be the same and our expenses less, if we yielded up every claim, and left the Americans independent—the doctor thus replies:—'It is however a little hard, that having so lately fought and conquered for their safety, we should govern them no longer: by letting them loose before the war, how many millions might have been saved! One wild proposal is best answered by another. Let us restore to the French what we have taken from them: we shall see our colonists at our feet, when they have an enemy so near them: let us give the Indians arms, and teach them discipline, and encourage them now and then to plunder a plantation: security and leisure are the parents of sedition.' Strange, that he did not see how many millions might have been saved on the present occasion!

[12] History of the Reign of George III. vol. ii. p. 317.

The factious disposition which had long reigned in the livery of London grew at length so languid, that alderman Wilkes, exasperated at having twice failed in an attempt to be elected city chamberlain, vented his *honest* indignation in a furious philippic against the whole corporation, declaring that 'the moment had arrived, so ardently wished by every arbitrary administration, when a majority of the livery appeared to have sold and surrendered the capital to the ministry.' A dissolution of the empire, ruin, and slavery, he feared, were advancing with giant strides; we were ripe for destruction; and our salvation almost intirely depended on the courage and noble spirit of our American brethren, whom neither the luxuries of a court, nor the sordid lust of avarice in a rapacious and venal metropolis, had hitherto corrupted.

Among the domestic events of this year may be noticed the birth of prince William of Glocester on the fifteenth of January, and that of the princess Mary on the twenty-fifth of April. On the twenty-first of March, the duke of Bridgewater's grand canal to Liverpool being completed, vessels went through it to Manchester: to make this junction, a mile of ground was cut, and four capital bridges built between January 22d and March 22d; in which time there were twenty-one days of hard frost and very bad weather.[13] On the tenth of June Drury Lane theatre closed with the comedy of the Wonder, in which the celebrated David Garrick made his last appearance, giving the profits of the night to the charitable fund for the support of decayed actors. After sustaining the character of Don Felix with inimitable perfection, and delivering a very feeling address, he retired amidst the blended tears and acclamations of a brilliant audience. He had, some months before, sold his share in the theatre to Mr. Richard Sheridan and others for the sum of £35,000.

The great professors of other arts generally leave monuments of their skill and glory behind them, by which their distinguished excellence is known to posterity:

> The actor only shrinks from Time's award:
> Feeble tradition is his memory's guard.

Tradition, however, is so strong and uniform in its testimony to Garrick's merits, that we may well believe his excellence to have been far beyond any competitor for histrionic fame. His versatility appeared almost miraculous: in tragedy, in genteel

[13] Annual Register for 1776, p. 227.

and low comedy, nay, even in pantomime, he was equally unrivalled. Few persons could be endured by an audience in a descent from the lofty aspirations of the tragic Muse to the personification of those low and despicable characters which English comedy loves to bring on the stage: but Garrick had the power to embody any character to a degree of reality which carried with it a temporary oblivion of all his other efforts. It is related, that a young lady of great beauty and large fortune, having fallen in love with him on seeing his representation of Chamont, Lothario, and other such characters, offered him her hand in marriage through the intervention of a duenna, who promised to call again, and fix a day of meeting: in vain however did Garrick wait for the performance of this promise; but having met the old woman in the street, and asked the reason why she failed in her appointment, he received the following answer:—'O dear! it is all over: the young lady has since seen you in Abel Drugger, and her love is quite gone.'

A power of moulding the countenance into the most vivid expression of an assumed passion was his to a degree far beyond any thing on record; of which the well-known story of his personating the mad father before a French company at Mademoiselle Clairon's is a proof. He used to say, that he learned to play King Lear from witnessing the madness of a man who lived near Goodman's-fields, and was fondling his infant at an open window, when it sprang out of his arms on the pavement below. The shock was so great to the horror-struck parent, that he lost his senses, and displayed his insanity by going to the window, and fancying that he was again playing with his child; when after a time he appeared to drop it; and again acted, because he again suffered, all the pangs he felt at the real catastrophe. This scene Garrick sometimes beheld, and drew from it that representation of insanity in Lear, which is said to have been more forcible, terrible, and true than any similar delineation ever given on the stage. We must now revert to a different theatre, where no mimic sorrows were to be represented; but war in its fiercest mood was preparing to sever all those ties that bind together kindred nations.

We left the British army blockaded in the city of Boston, its commander contented with predatory expeditions and the conflagration of towns, whilst his enemies were almost totally unprovided with the *matériel* of war. The difficulties of Washington's situation were so great, that his cause must have been

hopeless had he been opposed with vigor. As the time of service expired, the American forces were to be replaced by new levies in presence of a highly-disciplined enemy. To raise another army, even for one campaign, was accompanied with many difficulties: the enthusiastic ardor which had brought the first into the field had abated; visions of domestic comfort began to prevail over a sense of public duty; the troops gradually melted away as the year declined; and at the beginning of 1776, the new enlistments scarcely equalled the number of British troops in Boston. Meanwhile, the public, as well as the enemy, deceived by exaggerated representations of Washington's offensive means, were impatiently looking for active measures on his side: but the dangerous situation of affairs induced this great man to suffer all attacks on his character in silence, rather than vindicate himself, by exposing his wants: he was not insensible to the effects of his apparent inactivity on the public mind, but an explanation of the cause would have been ruin. Still he was determined, if possible, to expel the British troops from Boston, having been authorised by congress to attempt it in any way he might think expedient, even though the town might be destroyed: in February, therefore, the general summoned a council, and submitted the project of attacking Boston by marching over the ice, since he had not powder enough for a bombardment: his proposition however being negatived, a different plan of operations was adopted: this was to take possession of Dorchester heights, which commanded the harbor. To conceal their design, a bombardment from other quarters was carried on for three days. On the night of the fourth of March, a covering party of 800 men led the way, followed by 1200 under general Thomas, with 200 carts loaded with fascines and hay: they marched in silence, whilst the cannon were playing; and before daybreak they had completed the lines of defence, which appeared to the garrison like works of enchantment. The English admiral having sent intelligence to general Howe, that unless the enemy were driven from these intrenchments he could not keep a ship in harbor, it was determined to attempt their dislodgement; in which case Washington was prepared to have forced his way into Boston with 4000 men, who were to have embarked at the mouth of Cambridge river.

A violent storm, however, prevented the attack on the heights, which were almost perpendicular; whilst hogsheads of large stones were prepared by the enemy to annihilate their assailants. These difficulties determined the British commander

to evacuate the town; and an intimation was sent to the American general, that it would be spared from the flames if the troops were suffered to embark free from molestation: this notice determined Washington to abstain from hostilities; and after ten days, the British troops quitted the place on the seventeenth of March, after destroying Castle William, but leaving their barracks uninjured, with a quantity of cannon and ammunition, to the value of £30,000; all which were of service to the provincials.

The fleet was detained nine days in Nantasket-roads before it could sail; after which it proceeded to Halifax, with the troops, and about 1500 of the inhabitants of Boston, whose adherence to the royal cause had rendered them obnoxious to their countrymen: as the rear embarked, Washington marched into the town with drums beating, colors flying, and all the pomp of victory: he was received with gratitude by the remaining inhabitants, as well as by the refugees, who now recovered their ancient possessions: nor was the provincial assembly less zealous in their acknowlegements. The estates of the emigrants were seized, and the effects of some royalists who remained, and were tried as betrayers of their country, became confiscated. These however were not the sole advantages gained by the evacuation of Boston; for many vessels which arrived after that event, some laden with valuable stores,[14] fell into their hands, although ships had been stationed off the coast to prevent such occurrences. Thus was Boston, the very cradle of the revolution, and the grand object of debate in the British legislature, left in possession of the revolters.

Some time before this event, the Oneidas, and some other Indian tribes, had sent to the provincial assembly a deputation of their chiefs, who with native eloquence thus disclosed the purport of their mission:—'Brothers, we have heard of the unhappy differences and great contention between you and Old England: we wonder greatly, and are troubled in our minds. Brothers, possess your minds in peace respecting us Indians: we cannot intermeddle in this dispute between brethren: the quarrel seems to us unnatural; and we bear an equal affec-

[14] The most valuable of these was the Hope, loaded with 1500 barrels of powder, as well as carbines, bayonets, travelling carriages for cannon, and all sorts of tools. A transport also with 700 men under lieutenant-colonel A. Campbell, had the misfortune to run into Boston harbor.'

tion to both. Should the great king apply to us for aid, we shall deny him; if the colonies apply, we shall refuse: we Indians cannot find or recollect in the traditions of our ancestors a case similar to this. Brothers, if it were an alien that had struck you, we should look into the matter: we hope, through the wise government and good pleasure of God, your distresses may be soon removed, and the dark clouds be dispersed. Brothers, as we have declared for peace, we desire you will not apply to our Indian brethren for assistance: let us Indians be all of one mind; and you white people settle your disputes between yourselves.' It would have been fortunate for the fair fame of Britain, had the Indians adhered to this wise policy proclaimed by their chiefs: but many of the savage tribes bordering on the great lakes and rivers were soon prevailed on, by solicitations and irresistible presents from our agents, to take up the hatchet in behalf of the 'great king.'

Since the death of general Montgomery, American interests had declined in Canada: the intelligence of his first success had inspired congress with the most lively hopes; and even after his fall measures had been taken to give effect to his plans: some reinforcements had been sent, which were retarded and diminished by the insupportable hardships of their march: an address had been framed by congress; and Dr. Franklin headed a deputation to induce the Canadians to join the common cause, by promises of participation in all the advantages of the confederacy: failing in this enterprise, Franklin next wrote, by direction of congress, to M. Dumas, an American agent in Holland, urging him to sound the several governments of Europe, through their ambassadors at the Hague, respecting any assistance which they might be disposed to give to America in case of her declaring herself an independent nation.[15]

Colonel Arnold still kept his station on the heights near Quebec, and before the breaking up of the frost, was joined by six companies of a newly-raised regiment under Arthur St. Clair; but his resources were inadequate to his wants; while the misconduct of his troops alienated the natives from his cause. The small-pox also spread among his troops to such an extent, that out of 3000 only one third were fit for duty. Under such circumstances, this active officer, being determined

[15] Memoirs of B. Franklin, vol. ii. p. 12.

to make one attempt before he abandoned the siege, raised some batteries on the St. Lawrence to fire the shipping, and prepared for a general assault: the project failed though boldly undertaken: his troops were at one time drawn up, with scaling ladders, to storm the town during the distraction that was expected to ensue from the operation of the batteries, assisted by some fire-ships: they even penetrated into the suburbs, burnt some houses, and obliged the garrison to pull down many others, to prevent the conflagration from spreading; but the vigilance and cool intrepidity of general Carleton baffled all their designs.

It was not long before the American commanders determined on a general retreat; nor could even this be effected without great precipitation and some loss, on account of the sudden appearance of the Isis man of war and two frigates, which in the beginning of May had forced their way through the ice. The governor, availing himself of the enemy's consternation, now made a sally on their retreating forces; when the confusion became general, and they fled on all sides, leaving their artillery, ammunition, and stores: a few of the sick fell into the hands of the victor; and many wretched fugitives came and surrendered themselves to general Carleton; who being as humane as he was brave, extended to them protection, and safe conduct to their places of residence: this example, however, was not generally imitated by the Americans, whose treatment of their captives was harsh, and sometimes cruel. At this time a small party of British and Indians, under captain Forster, proceeded against a strong fort called the Cedars, defended by 400 Americans, and situated thirty miles west of Montreal: it surrendered after a spirited attack, on condition that the lives of the garrison should be preserved from the brutal ferocity of the savages: a detachment of provincials had also been taken prisoners on their march from Montreal to the relief of the Cedars, and their lives were with difficulty saved by the resolute and conciliating conduct of captain Forster: this brave officer next advanced to Vaudreuil, six miles north of the Cedars, whence Arnold made an effort to dislodge him, but was obliged to retreat. Forster being now encumbered with prisoners, released them, in consequence of a cartel arranged with Arnold, to return an equal number of the royal troops within two months, and to send four captains to Quebec, as hostages: this cartel, however, was shamefully broken by the congress,

on a false pretence that Forster, a man of singular humanity, had treated his prisoners taken at the Cedars in a barbarous manner.[16]

In the mean time, the expected reinforcements, consisting of several regiments from Ireland and England, another from general Howe, and the Brunswick troops, having arrived in Canada before the end of May, general Carleton soon adopted measures for totally expelling the enemy from his province. Having divided his army, consisting of 13,000 men, into detachments, he directed them to concentrate themselves at Trois Rivieres, half-way between Quebec and Montreal. A considerable body under brigadier-general Frazer had already taken their station at this place, whilst another under general Nesbit lay near them on board some transports; when the provincials, who were under general Thompson, being joined by a reinforcement, made a desperate but rash attempt to surprise the British forces. Thompson proceeded with the utmost caution, coasting in the night, and concealing his troops by day; but on landing, he found general Frazer, who had received intelligence of his movements, prepared to receive him, whilst Nesbit was enabled to post a detachment in his rear. After a furious, but ineffectual attack, the provincials fled: Nesbit's corps kept the river side, to prevent their escape to the boats; while Frazer's in pursuit galled them with their field-pieces. Between both, they were driven for some miles through a deep morass, till the British were tired by the pursuit; and the woods afforded a shelter to the fugitives, after the first and second in command, with 200 others, had been taken prisoners. Colonel St. Clair extricated his countrymen from their perilous situation with great skill and intrepidity; and in a few days brought them safe to their main body under general Sullivan at Sorel. Carleton, who had come up with his forces, pursued them to that place; but found it evacuated, and the batteries dismantled.

The American commander, having abandoned Montreal, retreated before general Burgoyne, who was charged with the

[16] 'I call that God who must judge all things to witness, that not a man living could have used more humanity towards his prisoners than captain Forster did after the surrender of that party to which I belonged; and whoever says the contrary, let his station in life be what it will, is an enemy to peace, and a fallacious disturber of mankind.' Thus wrote captain Sullivan, one of the American hostages, to his brother, a major-general in the service of congress.

pursuit; and leading his troops through a dangerous tract of country, effected their safety, after burning every thing at St. John's and Chamblée: he also preserved his cannon and stores, and brought off a body of sick. Having burnt such of their vessels as could not be dragged up the rapids in their way to lake Champlain, they embarked directly on that water, and proceeded to Crown Point, which they reached early in July. Here they employed themselves, under colonel Arnold, in equipping sixteen vessels, to be worked either by sails or sweeps; and by this means for a time they had the command of lake Champlain, and kept their pursuers at bay.

Carleton, however, was not to be checked by common obstacles: he also occupied himself in the creation of a fleet; having, in contemplation of such a measure, sent to England for the frame-work of several vessels, so constructed that they could be taken to pieces: these being arrived before the end of the summer, he had them conveyed by land-carriage, where the river was too shallow for their draught; and launched them on lake Champlain, assisted by the zeal of general Philips, captains Douglas and Pringle of the royal navy, with several other officers of distinguished merit. Having thus with great industry and ingenuity prepared thirty vessels, all carrying cannon, he himself embarked on board that of commodore Pringle in October; while the land forces, under Burgoyne, were instructed to await the result of naval operations at Cumberland-bay. Early on the eleventh of October, the British armament discovered the enemy's flotilla drawn up in a line between Valcour Island and the eastern shore of the lake: a warm but undecisive action ensued, and an American brig was driven on shore; but the British ships of greatest force were prevented by unfavorable winds from taking part in the engagement: the firing, however, continued till sunset, during which time three American vessels were destroyed, and seventy men killed or wounded; the British losing one gun-boat and twenty men. Arnold, anticipating the destruction of his fleet when the other ships could act against him, dexterously escaped in the night, by sailing between the British ships and the shore; but being pursued, was brought again to action within a few leagues of Crown Point, when he lost one of his largest ships and a gondola: such of his vessels as were most ahead now deserted him, and escaped to Ticonderoga; some others, dispersed by a gale, were captured; and at length the Washington galley, carrying brigadier-general Waterbury, [illegible] struck, Arnold ordered his own vessel and five others

to be run ashore, where he landed his men in safety, and blew up the ships, notwithstanding all the efforts of his antagonists to prevent him. He himself remained on board his galley till she was enveloped in flames, and with nice attention to the point of honor left his flag flying to the last moment.

Crown Point was immediately abandoned by the provincials, who concentrated all their forces at Ticonderoga: but that fort being judged too strong to be successfully attacked at this advanced season of the year, Carleton evacuated Crown Point, of which he had taken possession; and having strengthened the British fleet so as to ensure the command of lake Champlain, withdrew his forces to Canada; when Burgoyne returned to England.

While nothing but the extreme rigor of a Canadian winter seemed to stop the progress of the British arms in this quarter, the expedition sent against the southern states, from which great consequences were expected, totally failed. The command of the forces destined for this service was given to general Clinton, and admiral Sir Peter Parker; but a fatal delay in Ireland,[17] and bad weather, prevented the arrival of this latter officer with his fleet until the season was considerably advanced. In the mean time, governor Martin, stimulated in his exertions by information of these intended operations, strenuously exerted himself to recover his lost province of North Carolina: for this purpose he collected a considerable corps of Scotch emigrants under colonels Macdonald and Macleod, and a daring set of independent colonists called regulators, who lived principally by the chase: to oppose this force, the American colonel James Moore collected a regiment of the provincials, which was joined by 500 men under colonel Caswell. Both parties were stationed near Moore's-creek, and an engagement was expected; when colonel Moore, during the night, feigning a retreat, drew the enemy into a place of ambush beyond his camp, in which colonel Macleod, with most of his followers, was slain; some fled, and the rest with colonel Macdonald were taken prisoners. Sir Peter Parker, with lord Cornwallis, arrived, in the beginning of May, off Cape Fear in North Carolina, where they were anxiously expected by

[17] This was occasioned by the scruples of the lord lieutenant about the propriety of permitting the troops to embark without leave of the legislature; and much time was lost in getting a clause for that purpose inserted in a bill afterwards passed by the Irish parliament.

general Clinton, who immediately took the chief command of the troops, and tried the effect of a proclamation, inviting the inhabitants of the southern colonies to return to their allegiance: the republicans however were so resolute, and the loyalists so disheartened by their late defeats, that no public avowal of returning duty could be obtained or expected.

An expedition was now undertaken by the combined military and naval forces, against Sullivan's Island, by which the commerce of Charlestown, the capital of South Carolina, was protected. The whole fleet came to anchor off the bar on the fourth of June; but previously to its approach the city had been put into a state of defence, and strong works capable of holding 1000 men thrown up on the island: these being mounted with thirty cannon, which commanded the channel leading into the harbor, were placed under the command of colonel, afterwards general Moultrie, one of the bravest officers in the American service. 'At this time,' says colonel Moultrie, in his Memoirs, 'it was the general opinion, that two frigates would be sufficient to knock the town about our ears, notwithstanding our batteries of heavy cannon: the sight therefore of the British fleet alarmed us very much: all was hurry and confusion; the president with his council, busy in sending expresses to every part of the country, to hasten down the militia; men running about the town, looking for horses, carriages, and boats, to send away their families, and as they were passing through the town gates towards the country, meeting the militia from the country marching into town: traverses were made in the principal streets; flèches thrown up at every place where the troops could land; lead taken from the windows of churches and dwelling-houses to cast into musket-balls; and every preparation made to receive an attack, which was expected in a few days.' On the fourth of June, general Lee arrived from the northward, to assist in the defence of Charlestown, and took the chief command of the troops: when he came to Sullivan's Island, he disliked that post, said there was no retreat, and called it a 'slaughter-pen;' but president Rutledge insisted on its retention, being encouraged by the confidence which colonel Moultrie placed both in the works and in his men. This officer, when told that the ships would knock the fort about his ears in half an hour, calmly replied, 'then we will lie behind the ruins, and prevent their men from landing.' On the morning of the twenty-eighth of June, as he was on a visit to his advanced posts, he observed the British fleet getting under weigh; and had scarcely time to return and

man his guns, when the ships were abreast of the fort; and having let go their anchors with springs on the cables, began a furious attack about ten o'clock, A. M. which continued till eight in the evening. The garrison made a gallant defence, firing deliberately, taking aim, and seldom missing their object; so that the ships were almost torn to pieces, whilst the killed and wounded on board exceeded 200. The following is from colonel Moultrie's account of the action:—'The ships engaged were, the Bristol of fifty guns, commodore Sir Peter Parker; the captain of which had his arm shot off, forty-four men killed, and thirty wounded: the Experiment of fifty guns; the captain of which also lost his arm, with fifty-seven killed and thirty wounded: the Active, of twenty-eight guns, had one lieutenant killed, and one man wounded: the Solebay, twenty-eight guns, two killed, and three wounded: the Actæon, twenty-eight guns, was burnt, and one lieutenant killed: the Sphinx, twenty-eight guns, lost her bowsprit: the Syren, twenty-eight guns, the Friendship, twenty-six, and an armed vessel taken into service: the Thunder-bomb had the beds of her mortar soon disabled; she threw her shells in a very good direction, and most of them fell into the fort; but we had a morass in the middle that swallowed them up instantly. At one time, the commodore's ship swung round with her stern to the fort, which drew the fire of all the guns that could bear on her. The words passed along the platform by officers and men were, 'Mind the commodore! mind the two fifty-gun ships!' During the action, thousands of our fellow-citizens were looking on with anxious hopes and fears; while the hearts of many, who had fathers, brothers, and husbands in the battle, must have been pierced at every broadside. After some time, our flag was shot away; their hopes then vanished, and they gave up all for lost; but sergeant Jasper, seeing that it had fallen without the fort, jumped from one of the embrasures; brought it up through a heavy fire; and having fixed it on a sponge-staff, planted it again on the ramparts.[18] Our flag, once more waving in the air, revived the drooping spirits of our friends, and they continued looking on till night closed the scene: at length, the British gave up the conflict; the ships slipped their cables, and dropped down with the tide beyond the reach of our guns: when our friends were relieved from their unhappy suspense by

[18] For this action he was presented with a sword by the congress.

a despatch-boat, which I sent up to the town."[19] The fortress itself, being built of palmetto wood, was little damaged; for the shot which struck it were buried in its soft materials; and the loss of the garrison did not exceed ten men killed, and twenty-two wounded. Before the engagement took place, general Clinton landed with a considerable force on Long Island, which had been represented to him as communicating with Sullivan's by a ford passable at low water; but to his great mortification, he found the channel upwards of seven feet in depth, and the opposite landing-place on Sullivan's Island occupied by a strong force under colonel Thompson; which, as he had not boats to transport more than 700 men, effectually kept him in check. During one period of the attack on the fort, it was for a short time evacuated, on account of the want of powder, a quantity of which was afterwards brought from the main land: if general Clinton's offer of putting troops on board the ships had been accepted, it was supposed at the time, that the British might in that interval have taken possession of the works; but Sir Peter Parker, from an excessive confidence in the powers of the fleet, rather undervalued, and therefore declined, the co-operation of the army.[20] By the repulse of this armament the southern states obtained a long respite from the calamities of war; but, what was still more important, that spell which had long attached itself to the British navy was broken; and the minds of the colonists recovered from the depression into which they at first fell, on hearing of the powerful expeditions preparing to crush them.

After the evacuation of Boston, the ministerial plan of operations[1] had been directed to three principal objects: two of these having already engaged our attention, it only remains to notice the grand armament destined to act against New York. Washington, with the main body of his army, arrived at that city on the fourteenth of April, and earnestly pressed forward its defences: many of the inhabitants were disaffected to the American cause; and, in addition to his embarrassments, a part of his own guard was seduced to seize his person, and deliver him over to the enemy: but the plot being discovered,

[19] The fort so gallantly defended was afterwards named Fort Moultrie, in honor of its commander, who soon afterwards came into the regular line of the army as a brigadier-general.

[20] Adolphus, vol. ii. page 334.

[1] It is believed that these were principally laid down by lord George Germaine.

several of the conspirators were executed.[2] From a successful attack on New York great advantages were expected by the British government: its central position would enable their generals to carry on the war with equal facility in the northern and southern provinces, varying the scene of action as they pleased; while its maritime situation, being mostly enclosed with islands, promised not only success in the capture, but future defence and protection through the means of our ships of war.

The command of the British forces in this expedition[3] devolved on general Howe; who, in waiting for the protracted arrival of his brother lord Howe, commander of the fleet, experienced the truth of an observation often urged by the opponents of American taxation in parliament—that it would be found very difficult for Great Britain to stretch out her arms across the Atlantic to coerce her rebellious children. Having in vain waited two months at Halifax for the expected reinforcements, and being impatient of farther delay, he set sail on the tenth of June for New York, and arrived near the end of the month off Sandy Hook, where he was soon afterwards joined by his brother.

The British general, on his approach, found every part of the island on which New York stands, and the most exposed parts of Long Island, well fortified, and defended by artillery; but he effected a landing on Staten Island, which had not been attended to with so much care: here he was joined by Mr. Tryon, late governor of the province, and a body of loyalists, who had taken refuge with him in an armed vessel; also by about sixty persons from New Jersey: and as the inhabitants, from fear, affection, or policy, expressed great satisfaction at the arrival of the royal forces, 200 of them were embodied as a national militia. From these appearances, hopes were entertained, that, as soon as the army was in a condition to advance into the country, and protect the loyalists, such numbers would flock to its standard, as might tend greatly to facilitate success.

In the mean time a bold and decisive measure was taken by their opponents, which gave a new complexion as well as a

[2] Life of Washington, in American Portrait Gallery.

[3] To this service was allotted a well-disciplined army, of about 30,000 men, supported by a powerful fleet; a force superior to any that America had yet seen: the troops were also provided with artillery, stores, and warlike materials of every kind.

very important issue to the contest: though from its beginning the bulk of the people had acted on no fixed principles; and though addresses from different colonies had been filled with professions of loyalty to the sovereign, breathing the most ardent wishes for reconciliation; yet a large party in America had long been preparing the public mind for the doctrine of independence, and for embracing their views of a separation from the parent state. The powerful mind of Franklin had been zealously active in this cause, seconding the indefatigable zeal of Patrick Henry in Virginia, of Adams and Hancock in Massachussetts, and many other such characters in the various provinces of North America. Congress at length deeming it advisable to ascertain the opinions of the people on this great question, issued a manifesto, stating various causes which rendered it necessary that regal authority should be abolished, and the powers of government assumed by the different states: in particular, they instanced the prohibitory act, by which they were excluded from the protection of the crown; the rejection of their petitions for redress of grievances; and the intended exertion of the whole force of Great Britain, aided by foreign mercenaries, for their destruction. As soon as the public mind had been thus drawn strongly to the subject, various productions issued from the press, among the most conspicuous of which was the celebrated pamphlet, entitled 'Common Sense,' by Thomas Paine; in the composition of which there is good reason to believe that Franklin had no inconsiderable share:[4] this work, replete with rough sarcastic wit, and calculated to flatter the prejudices, as well as to inflame the resentment of the American people, produced an extraordinary effect, bringing over multitudes to the cause of independence, who but a few months before would have regarded the proposition with abhorrence. Lesser arts were not neglected; and the lower classes in all the provinces were taught to clamor for this favorite object, and to treat as friends or enemies those who favored or opposed it: in short, during the interval preceding the discussion of this topic, intrigue was never at rest. Many of the higher orders were restrained by fear, interest, or conscience, from advocating a plan of final separation; but those who felt such scruples were mostly of a mild and patient character, whilst their opponents were violent, energetic, and precipitate: some even in the congress adhered resolutely to their first instructions, and could not be brought

[4] Memoirs of Franklin, vol. ii. p. 13.

to believe that extreme measures would be sanctioned by their constituents. The moderation of Washington induced him to think that his countrymen were going too far; that their resources were insufficient; and that the different states would not coalesce so firmly under the control of congress as to meet the danger with due energy and perseverance: he wished that an opening for honorable terms should be reserved; and he aimed at colonial freedom rather than republican independence: but as the majority of the assembly preferred the latter, he acquiesced in their decision, and consented to retain the command of that army which was destined to secure it. The revolutionary leaders now clearly saw that the period was arrived when it became necessary to try the experiment: the commissioners appointed by the British government[5] to attempt a reconciliation were on their passage; and unless the provincials were committed by some authentic act to the rejection of their proposals, the prospect of independence might be closed for ever.

Pursuant to the instructions received from his constituents, the motion for declaring the independence of America was made on the seventh of June by Richard Henry Lee, of Virginia: long and vehement debates ensued on this measure, which found its principal supporter in the celebrated John Adams, and its great opposer in John Dickinson. On the question being put, six colonies voted in the affirmative, and six in the negative, the delegates from Pennsylvania being equally divided: the debate therefore was resumed on the ensuing day, when Mr. Dickinson relinquished the principle which he had so strenuously maintained, and by his vote decided the contest. Congress then assuming a new title, and styling themselves representatives of the United States of America, published on the fourth of July a declaration, or act of independence,[6] in which they assigned reasons for withdrawing their allegiance from the king of Great Britain. From this document they discarded that constitutional language in which complaints are usually addressed to the throne by loyal subjects, and directed their charges in the most unqualified

[5] In conformity with the act of parliament passed in the beginning of this year to prohibit and restrain the trade and intercourse of the refractory colonies, and enabling persons appointed by the king to grant pardons and declare any district in the king's peace, &c., lord Howe was on May 3rd declared joint commissioner with his brother general Howe for the latter purpose.

[6] For this act see the Appendix.

terms against the throne itself, no longer complaining of a British parliament, or a British ministry, but of a British king; summing up the whole by declaring, 'that a prince, marked by every act which may define a tyrant, is unfit to be the ruler of a free people: consequently, congress, in the name and by the authority of the good people of America, had solemnly published and declared that the colonies were free and independent states, absolved from allegiance to the British crown; that all political connexion between them and Great Britain was broken; and they, as free and independent states, had full power to levy war, conclude peace, contract alliances, and establish commerce.'

This decree, extolled in some quarters as a noble effort of human wisdom and manly independence, but stigmatised in others as an arrogant, intemperate, ungrateful act, vindicated by shallow and feeble sophistry, was received with silent contempt at the court of Great Britain. With respect to foreign powers, it afforded, as might have been expected, a pretext to some for gratifying their malice against England by preparing for hostilities, or pursuing their private interests in commercial connexions with the revolted provinces: in America itself, where the press was enslaved by the popular party, it met with great applause, as being well adapted to their taste, and calculated to give a new impulse to their desires. On the fourth day after the British arrived off Sandy Hook, congress ratified this declaration: it was published at the head of the American troops; and though they were eye-witnesses of the immense force prepared to act against them, both officers and men testified their hearty concurrence in the decree, and submitted it to the decision of the sword, whether they should be free states or conquered provinces.

Lord Howe, though much chagrined to find so powerful an obstacle raised against his mediatorial commission, resolved nevertheless to make such efforts as were still practicable to bring about an accommodation. On the fourteenth of July he sent ashore, by a flag, a circular to the late governors of the colonies, acquainting them with his civil and military powers; desiring them to publish, as generally as possible, a declaration which accompanied his letter, explanatory of his commission to grant pardons, to proclaim the restoration of any colony or district to the king's peace, by which the effect of the restraining act would cease; and to encourage measures conducive to the establishment of legal government and good order: but both his circular and declaration were artfully

published in all the newspapers by congress, with a preface or comment calculated to destroy their effect. His lordship opened at the same time a direct communication with general Washington; but that officer, taking advantage of a deficiency of form in the address of a letter,[7] raised a cavil on this ground to prevent a conference which would have been very embarrassing to him at so critical a period; which conduct of his was highly commended by congress. As a last resource, the British admiral entered into a correspondence on the subject with Dr. Franklin, with whom he had been well acquainted in England; but the little probability of any satisfactory result appeared clearly from the doctor's answer to his lordship's first letter, in which he observes;—'The official despatches, to which you refer me, contain nothing more than what we had seen in the acts of parliament,—offers of pardon on submission; which I am sorry to find, as it must give your lordship pain to be sent so far on so hopeless a business. The directing pardons to be offered to the colonies, who are the very parties injured, expresses indeed that opinion of our ignorance, baseness, and insensibility, which your uninformed and proud nation has long been pleased to entertain of us; but it can have no other effect than that of increasing our resentment. It is impossible we should think of submission to a government, which has, with the most wanton barbarity and cruelty, burnt our defenceless towns in the midst of winter, excited savages to massacre our farmers, and slaves to murder their masters; and which is even now bringing foreign mercenaries to deluge our settlements with blood. These atrocious injuries have extinguished every remaining spark of affection for that parent country which we once held so dear: but were it possible for us to forget and forgive them, it is not possible for you (I mean the British nation) to forgive the people whom you have so heavily injured: you can never confide again in those as fellow-subjects, or permit them to enjoy equal freedom, to whom you know that you have given such just cause of lasting enmity: this must impel you, were we again under your government, to endeavor to break our spirit by the severest tyranny, and obstruct, by every means in your power, our growing strength and prosperity.' After intimating, that if, by the mention of a lasting peace in his lordship's epistle, is meant a peace to be entered into between Britain and America as distinct states now at war, this he ventures to

[7] Directed to 'George Washington, Esq.'

say, though without authority, would be practicable; but he feels persuaded that his lordship has no such powers entrusted to him. Disclaiming the vanity to think that he shall intimidate Great Britain by predicting the effects of the war, knowing that this will have the fate of all his former predictions, not to be believed until verified by events,—he goes on to say;—'Long did I endeavor, with unfeigned and unwearied zeal, to preserve from breaking that fine and noble China vase, the British empire; for I knew, that being once broken, the separate parts could not retain their share of the strength or the value which existed in the whole, and that a perfect reunion of those parts could scarcely ever be hoped for.' Towards the conclusion, he adds the following sensible and judicious observations:—'To me it seems that neither the obtaining or retaining of any trade, however valuable, is an object for which men may justly spill each other's blood; that the true and sure means of extending and securing commerce, is the goodness and cheapness of commodities; and that the profit of no trade can ever be equal to the expense of compelling it, and of holding it, by fleets and armies.' In reply, his lordship acknowleged that the powers with which he was invested were not calculated to effect a reunion with America, but as subject to the crown of Great Britain; and seeing the inutility of any farther efforts at negociation, he prepared for the decision of the sword.

The British army, having received large reinforcements of German troops, passed over the Narrows to Long Island on the twenty-second of August, pushing their detachments across the country through Flatlands towards the Sound: these being opposed by an American division under generals Sullivan, Putnam, and lord Stirling, a severe contest ensued; but the British right, under Sir Henry Clinton, having dexterously outflanked the left of the enemy, whilst the Hessians vigorously attacked the centre, the Americans were put to flight. Lord Stirling, who commanded their right wing, finding that the English had penetrated to the rear, gave orders for a retreat; and to secure it, boldly attacked the division under lord Cornwallis; but being assailed by general Grant, he was repulsed and taken prisoner. The lines of Brooklyn received the shattered troops of the provincials, who left 2000 slain on the field, or drowned in a morass, into which they were driven at Gowan's Cove: about half that number, including generals Sullivan, Udell, lord Stirling, with ten other field-officers, were taken prisoners; whilst of the British and Hessian troops not more than seventy were killed, and about 200 wounded. This was a very in-

auspicious commencement of the campaign on the American side: it might probably have decided the contest, had the English general known how to take advantage of success, or the American commander in chief possessed less fortitude to bear defeat, or less sagacity to repair his losses. The lines of Brooklyn were not formidable, and might easily have been forced in the consternation of the moment; but Howe, a general fitter for the parade than for the field, with cold and dilatory caution checked his brave troops in the full career of victory. 'It was apparent,' he said, 'that the lines must become ours at a very cheap rate by regular approaches; I would not therefore risk the loss that might have been sustained in the assault, and ordered the troops back to a hollow way out of the reach of the musketry.' Washington, who had passed over from New York during the battle, is said to have burst into the most poignant exclamations of anguish at the inextricable fate which had overtaken some of his best troops, and hung over the remainder: suddenly however he saw a gleam of hope through the surrounding gloom: while the British general therefore was preparing his regular approaches, and breaking ground with due form within 600 yards of the nearest redoubt, he effected a masterly retreat by night, across the East river, with such order, secresy, and silence, that the English were only aware of it when the rising sun showed them the rear guard already in their boats and out of danger. From the commencement of the action on the twenty-seventh until the last boat left Brooklyn, it is said that Washington was without rest or sleep, and during most of that time on horseback: within musket-shot of the British army, he embarked 9000 men with their arms and ammunition, also the greatest part of their provisions and cannon, and conveyed them across a river half a mile in breadth, without any confusion or interruption. Such signs of coolness, intrepidity, and skill in their general, were worth more than a victory to the Americans.

Soon after this transaction, general Sullivan was despatched on his parole, with a verbal message from lord Howe to congress, importing, that although he could not at present treat with them as an authorised body, yet he had pacific proposals to make, which he was very desirous of laying before some of their members in the capacity of private gentlemen. Congress knew well that the admiral could have no terms to offer which they would accept; but as the people might entertain a different opinion, and be uneasy if he were not heard, they appointed a deputation, consisting of Messrs Adams, Rutledge,

and Franklin, to meet his lordship on Staten Island, which he had himself selected as the place of conference. The committee being arrived at Amboy, a little town of New Jersey, were conveyed over to the island in the admiral's barge, one of his principal officers being directed to remain as a hostage for their security: Franklin however well knew that lord Howe's soul was the very seat of honor, and with due consideration carried back the officer in the barge. The admiral met them at their landing, and conducted them through his guards: he expressed some surprise at their confidence in bringing back his hostage, but more at the little estimation in which they appeared to hold his offers of pardon and of inquiry into their grievances. He seemed to have flattered himself that congress, humbled by the late defeat, would have been more submissive and compliant; but he was mistaken: the committee told him that if he had nothing else to propose, he had come too late: the humble petitions of congress had been rejected with contempt; independence was now proclaimed, and the new government formed: and when his lordship expressed his affection for America, and his concern at viewing her dangerous situation, saying that to see her fall would give him as much pain as to see a brother fall, they answered, 'that it was kind; but America would endeavor to spare him that pain.'[8] A report of this conference having been made to congress, was published; and it materially assisted their views, by confirming the people in their determination to seek for independence in the contest of arms.

But it was not to the contest of arms alone that the sagacious leaders of the American cause looked for success. The history indeed of this revolution is commonly read in the operations of armies and the local acts of congress; but these, humanly speaking, must have failed against the obstacles to be encountered in their inexperienced and distracted counsels, their imperfect constitution, their ill-paid, changing, and partially disaffected army, and the powerful enemy which commanded the ocean, and was firmly fixed on the strongest point of their coast, had not their diplomatic agents with consummate address seconded the efforts of their commanders and patriots at home. A rare combination both of persons and things was requisite for the safety of the United States; and it was found. In the assistance of other powers, and above all in that of France lay their ultimate hopes of success. Without the sub

[8] Memoirs of Franklin, vol. ii. p. 91.

sidies and supplies obtained from that country at an early period of the revolution, and without the subsequent co-operation of her fleets and armies, the cause of independence would have been hopeless in America. France at this time had in great part recovered from the effects of her disastrous contest with Great Britain; but still smarting under the disgraceful terms of peace imposed on her, she was ready to hail the prospect of humbling her hated rival: during the latter period of the reign of Louis XV. no tone or direction from the court or cabinet was given to this feeling; for all were absorbed in sensualities, or engaged in low and vile intrigues: but when his successor ascended the throne, and such impurities were no longer tolerated, it had free scope for development; and a different spirit appeared in the French councils, of which the American statesmen very skilfully took advantage.[9]

The first measures for organising the foreign diplomacy of the United States in 1775, arose out of the personal connexions of Americans, who had been, or still were, resident in Europe: among these the principal were Dr. Franklin, who had lately returned to America; and Arthur Lee, a Virginian, who had been educated in England, and still resided there as Franklin's successor, in the office of provincial agent for the assembly of Massachussetts. The peculiar position which Dr. Franklin had occupied as agent for some of the principal states in America, the footing of intimacy on which he stood with many leading characters in England, his great knowlege of mankind, and skill in matters of business, added to the dignity of age, the reputation of a virtuous life, and the fame he had acquired for science and philosophy, contributed to bring him forward as leader of the diplomatic band, through which the American congress gained access to the public mind of Europe. A good deal of important business, directly and indirectly connected with foreign diplomacy, in petitions, memorials, and addresses, had been transacted by the whole body of congress, before its regular organisation, and separation into distinct departments: but soon after its second meeting, in 1775, a committee of five members[10] was appointed for the sole purpose of opening a correspondence with friends of America in England, Ireland, and other countries, for the

[9] See Marshall's Life of Washington, vol. iii. p. 403, &c.

[10] These were Mr. Harrison of Virginia, Dr. Franklin, Mr. Johnson of Maryland, Mr. Dickinson, and Mr. Jay.

advancement of commercial and political objects. The operations of this body were considerably embarrassed: the undecided state of the colonists themselves tended to render all application to foreign powers ineffectual; whilst the countenance of those powers was required by congress to direct its policy regarding the great question of independence: the first efforts therefore of the committee of correspondence were directed to obtain some accurate information on this latter point. Accordingly, on the twelfth of December, 1775, they addressed themselves to Mr. Arthur Lee, then in London; and at the same time informed him, that they had written to M. Dumas,[11] at the Hague, on this important business, with whom they requested Mr. Lee also to correspond, urging on him the necessity of great circumspection and impenetrable secresy:[12] they also forwarded £200 to pay present expenses. Mr. Lee applied himself diligently to the execution of this commission, and his political connexions gave him great facilities of ascertaining the views of the British ministry, and their preparations for the ensuing contest: his intelligence concerning them proved of material service to his employers:[13] nor did he neglect to obtain interviews with the French ambassador, who manifested a lively interest in the proceedings of the colonists, and a desire to gain as much information as possible about their present state and future prospects; all which he carefully forwarded to his own court: in consequence of this, a French agent, who turned out to be M. de Beaumarchais, the celebrated author of the Mariage de Figaro, was despatched to London for the purpose of prosecuting inquiries. This gentleman visited Mr. Lee at his rooms in the Temple, when he informed him that the cabinet of Versailles proposed sending £200,000 sterling to the aid of America, in specie, arms, and ammunition; but that there was a difficulty in discovering a proper channel through which the remittance could be made: St. Eustatia, Martinique, and Cape François were

[11] A Swiss gentleman of great learning and political knowlege, whose acquaintance Dr. Franklin had made in Holland. He published an elaborate edition of Vattel in 1770.

[12] North American Review, vol. xxxiii. p. 460.

[13] 'His letters were usually entrusted to a confidential person, who was to deliver them with his own hand: they were without signature, and enclosed in an envelope with a fictitious address, commonly directed to lieutenant-governor Colden, of New York, who was a royalist: in case of accident therefore they would have been forwarded to him, without any suspicion of their origin.'—North American Review, vol. xxi. p. 461. note.

mentioned; and the latter was fixed on as the most suitable place. Mr. Lee's visitant then said, the goods would be ready there, and might be received by inquiring of the commandant for M. Hortalez: he also requested, that a small shipment of tobacco might be sent from some American port to give a color of mercantile business to the proceeding, and prevent suspicion. This arrangement was made early in the year 1776; and as soon as it was settled, M. de Beaumarchais returned to Paris.[14]

In pursuance also of instructions received, M. Dumas approached the French ambassador at the Hague, and laid before him the wishes of his American correspondents, together with a memorial, showing how important it was to France to prevent the subjugation of the colonies by her great rival.

His excellency having demanded specifically what course the colonists wished France to pursue, it was answered, 1, to interpose her good offices for the purpose of bringing about a reconciliation with England, so as to secure their liberties to the Americans; and, 2, failing in this, to admit them to an alliance with the house of Bourbon, for the sake of exclusive commercial advantages.[15] The reply of the French ambassador, after having taken the instruction of his court, was in the following terms:—'As to your first demand, the mediation of the king of France cannot take place, while the colonists are subjects of the king of England, who would not accept it: as to your second, the king is a true knight; his word is sacred; he has given it to the English, to live in amity with them, and he will hold to it. While France is at peace with England, he will not ally himself against her with the colonies, and will not furnish aid to the latter: but for the same reason, the Americans will have the same protection and liberty, as all the other English, to resort to France, to export thence merchandise, arms, and munitions of war; without however forming magazines of them in France, which is not permitted by any nation: besides, he added, the colonies have no need that either France or Spain should enter into this war: commerce alone will furnish the Americans with all they want to defend themselves.'[16]

[14] See North American Review, vol. xxi. p. 463.

[15] North American Review, vol. xxxiii. p. 461, where the Reviewer observes, that by the house of Bourbon, M. Dumas probably meant to comprehend the governments of France and Spain.

[16] Correspondence of M. Dumas, vol. ix. p. 268.

France in fact had now adopted her line of conduct; not indeed a very ingenuous one—to maintain an apparent neutrality, whilst she gave secret assistance to the colonists. It was some time before the cabinet of Versailles decided on this policy; as there was a party, with the king himself at their head, who could not reconcile it to the faith of treaties: but Maurepas and Vergennes, men of talent and decision, unequivocally declared their opinion that the interest of France required her to promote a separation between England and her American provinces, and by a constant discussion of the question, and the employment of ingenious and able writers,[17] they succeeded in bringing over the majority to their views, and removing many scruples among the rest.

Meantime the committee of secret correspondence in America, seeking a more extensive and substantial intercourse with Europe, had appointed Silas Deane, one of the members of congress, to proceed to France as a commercial and political agent. Arriving at Bourdeaux on the sixth of June, 1776, he assumed the character of a merchant from Bermuda, and waited some time for the arrival of several vessels, which were to be sent out by the committee, with a view of supplying him with means to effect the mercantile objects of his mission: but receiving no intelligence of these, he proceeded to Paris in the beginning of July, under the pretext of purchasing goods for the Indian trade in America.[18] But he had copious instructions for his intercourse with the French ministry; and being supplied with letters of introduction to the friends of America by Dr. Franklin, he soon obtained an audience of the count de Vergennes. That minister held to him language similar in its import to what has been detailed from the correspondence of M. Dumas; advising him to continue for the present in his assumed character of a merchant; informing him also that the British ambassador knew of his being in Paris, and would carefully watch his motions.

It was Mr. Deane's next task to look round for a credit in the name of congress, and endeavor to procure such articles as he wanted: but here he met with unexpected difficulties: news had arrived of Montgomery's defeat in Canada, and the British ambassador took great pains to spread abroad the rumor of an approaching reconciliation;[19] so that no merchants or capitalists

[17] Particularly Messrs. Favier and Pfeffel, whose papers had a great effect.

[18] North American Review, vol. xxi. p. 463. [19] Ibid. p. 465

could be found, who would give a credit to congress without adequate securities: these the American agent was unable to command; no remittances had yet been received; and the bills he had brought with him, had been for the most part protested, and returned on his hands. In this state of perplexity, he became acquainted with M. de Beaumarchais, the same who had visited Mr. Lee in England; and who now proposed to furnish the supplies, allow a reasonable time for payment, and take the security of congress pledged by its agent. Astonished at this extraordinary proposal from a man of M. de Beaumarchais's character, Mr. Deane took the precaution of consulting the count de Vergennes; who assured him that he need entertain no doubt respecting the character and means of M. de Beaumarchais, who would unquestionably fulfil all his contracts and promises. The proposals therefore were accepted, and a list of articles made out, which included clothing for 20,000 men, 30,000 muskets, 100 tons of powder, 200 brass cannon, twenty-four mortars, and a large quantity of other stores: these M. de Beaumarchais undertook to procure, saying that he could purchase most of them from the king's arsenals, and procure a credit of eight months: in the end, however, he was not so successful as he expected; for he obtained little, except the cannon and mortars, from the royal stores. The next difficulty was the mode of shipping these supplies to America; since the moment they began to move, spies were ready to give notice to lord Stormont, and thus excite an alarm in the French cabinet, lest it should be charged with a breach of treaty. Accordingly, orders were given to stop the issue of all such articles, and then counter orders to let them move, all tending to perplex the agents and to increase the expense; and when at last they were conveyed to the coast, new orders came to stop their embarkation. Spies, stationed at all the ports, sent continual intelligence to lord Stormont, whose remonstrances caused this wavering conduct; insomuch that Beaumarchais was obliged to go himself to Havre about the end of November, with a view to despatch two of the ships from that port. With great difficulty, and in the face of a prohibition sent from Paris, he succeeded in getting the Amphitrite to sea, ordering her to be cleared out for the West Indies. She arrived at Portsmouth, in New Hampshire, in the month of April following, with a seasonable supply, for the ensuing campaign, of about 10,000 stand of arms, sixty cannon, and a large quantity of clothing; but her captain, when he returned to France,

was imprisoned for violating the tenor of his papers.[20] Another part of Mr. Deane's diplomacy consisted in his engaging the marquis de la Fayette, the baron de Kalb, and other officers, in the cause of independence, with a promise of specific rank and pay in the American service. This indeed was an unauthorised assumption of authority, and was much censured by congress; as it deranged their plans with regard to the army, and produced much uneasiness and dissatisfaction in the American ranks. His excuse was, that he was solicited in strong terms from the highest quarters to receive these offers; that the state of his affairs rendered influence among the higher classes of society essential to him; and that it was deemed important in France to send out such officers with the military articles: his own impression also was, that able and experienced men would be highly serviceable to the American cause.

The time however had now arrived, when congress, having declared the independence of the states, and established a separate government, began to seek for still more intimate relations with foreign powers: accordingly, in the month of September, 1776, three commissioners were appointed to meet in Paris, for the purpose of proposing a treaty of commerce, and soliciting aid to carry on the war: the first chosen were Dr. Franklin, Silas Deane, and Mr. Jefferson; but the latter gentleman declining the appointment, Mr. Arthur Lee was substituted in his place. Franklin set out from Philadelphia on the twenty-seventh of October, and embarked in the Reprisal sloop of war, carrying sixteen guns, which was frequently chased by British cruisers during her passage, and several times prepared for action; but as often escaped by her superior sailing. On the twenty-ninth of November she ran into Quiberon-bay, when the commissioner landed and proceeded to Nantz, where he stayed some time to recruit his health; and arrived in Paris about the end of December.[1]

The deputies had an early interview with the count de Vergennes, to whom they presented articles of a proposed commercial treaty, which were received with a promise of being taken into due consideration. On the fifth of January, 1777, they laid before that minister a memoir, drawn up at his request, containing the substance of their instructions; whence it appeared that they were required to apply to France for eight

[20] North American Review, vol. xxi. p. 468.
Memoirs of Franklin, vol. ii. p. 50.

ships of the line, to be equipped and manned at the expense of the United States, either in the way of loan or purchase, as might best suit the French court; also an immediate supply of 20,000 or 30,000 muskets and bayonets, with a large quantity of ammunition and brass field-pieces: it was hinted, that without such assistance, they would probably be unable to maintain the contest with Great Britain; nor did they forget to set forth the extent and value of American commerce, and its importance to France. A copy of the above communication was sent to count d'Aranda, the Spanish ambassador; for the commissioners seemed to consider the interests and views of the two courts as the same, and were themselves authorised to treat with both.

The language of the minister, in reply to these representations and requests, was nearly the same as he had all along used to Mr. Deane;—that the king was prohibited by existing treaties with Great Britain from entering into one with America, or taking any part in the contest; but he was friendly to the States, and would give them all the commercial privileges in his ports that were enjoyed by other nations; also that they might consider themselves under the protection of the government while in France, and communicate freely with ministers on the subject of their mission.

Such being the tone of the French cabinet, it was evident to the commissioners that all of them need not remain in Paris: besides, certain indications leading them to believe that a visit to Spain might prove advantageous to their cause, Mr. Lee undertook a mission to that country, being fortified by a letter to the court of Madrid from the count d'Aranda: he was however stopped at Burgos, and there met by the marquis de Grimaldi, one of the Spanish ministers of state, with M. Gardoqui as interpreter: by them he was given to understand that sound policy required him to abstain from going on to Madrid; and he was earnestly requested to proceed to Bayonne, and there wait the determination of the Spanish court. In spite of his remonstrances, he was obliged to acquiesce in this plan: but at Vittoria he had a second conference with the marquis de Grimaldi, who, having listened to Mr. Lee's exposition of the advantages to be obtained by Spain, in securing the friendship of a rising nation, and humbling the power of England, made the following brief and explicit reply:—'You have considered your own situation, but not ours: the war with Portugal (France being unprepared, and our treasure from South America not yet arrived) makes it

improper for us to declare our intentions immediately: these reasons will probably cease within a year, and then will be the moment.'[2] It seems however to have been resolved, before the commissioner's arrival, to afford secret assistance to the Americans; and a plan for effecting it was settled at these interviews, as is clearly shown in Mr. Lee's correspondence. The promises made on the part of Spain were faithfully performed; more than one shipment being made by M. Gardoqui, of articles procured by him at the gratuitous expense of government, and secretly despatched to confidential agents in the United States, for the service of congress: also 375,000 livres were remitted by the king of Spain to Mr. Lee as a free gift, and expended by him in the purchase of supplies.[3] When he joined his brother commissioners in Paris, he found them busy in getting off as secretly as possible the stores which had been furnished by Beaumarchais before their arrival; and they gradually effected the shipment of the whole, as well as of a large quantity which they continued to purchase in other quarters. The French ministry winked at these transactions; but occasionally threw obstacles in their way, as heretofore, whenever the English ambassador remonstrated or complained. In the mean time new perplexities arose from the American cruisers, which began to harass the English coasting trade,[4] and to send prizes into French ports; some of which were sold by order of government, others ordered off, and others detained for legal adjudication: indulgences were sometimes granted in a concealed manner, and orders of release obtained; but the commissioners had a difficult part to play, in aiding as much as possible the enterprise and activity of their own privateers, whilst every motive of policy and interest required them to study the disposition, and conform to the will, of the French court. Nevertheless substantial assistance was afforded to them by that court: soon after their arrival in Paris, they were told that two millions of livres would be appropriated to the use of congress,[5] and paid by quarterly instalments: the first payment of 500,000 livres was advanced immediately; and this money the commissioners determined to reserve for the exclusive purpose of paying the interest of a loan in the United States, occasioned by the emission of paper money; and they wrote to congress, that bills might be drawn

[2] North American Review, vol. xxi. p. 472.
[3] Ibid. p. 273.
[4] Memoirs of Franklin, vol. ii. p. 57.
[5] North American Review, vol. xxi. p. 474.

on them from time to time for this purpose, to the full amount of the money granted by the French king: their own expenses they expected to discharge by the proceeds of cargoes to be sent by congress to France; though it turned out that few shipments of this kind were successful, or even attempted. The commissioners also increased their resources, by a contract with the farmers general for 5000 hogsheads of tobacco to be sent by congress; receiving one million of livres in advance, and another as soon as the first ships with the cargo arrived. With these funds they purchased military stores, and began to build a frigate at Amsterdam, and another at Nantz.[6] Such were the general operations of the commissioners during the first year of their residence in Paris, where they lived as commercial agents, but not recognised by the government as holding any official situation: the time for assuming that character was not yet arrived.

We left general Washington in a very critical position at New York; part of his army being stationed in the environs of the city, and part at Kingsbridge on the extremity of York Island, next the continent. Apprehensions being entertained, that the British general, by landing his forces in the centre, might cut off the communication, a resolution was taken to evacuate the city and retire on Kingsbridge, where they had erected some strong works. The British troops, which had already disembarked at New York, were now put on board the vessels again, with a view of landing at West Chester, gaining the rear of Washington's encampment, and enclosing him on all sides within his fortresses: had the English general taken this resolution earlier, he might have reduced his adversary to the necessity of defending the island, or of forcing his way through the British lines. The American commander, alarmed by the remonstrances of general Lee, who had recently joined him, perceived the necessity of a movement to counteract this project; and immediately decamping with his whole force, he took up a strong position extending from Kingsbridge on the right to White Plains on the left, with the deep river Bronx covering his front.

Before the surrender of New York, Washington had proposed to congress that the city should be burned, rather than left in the hands of the English. In our own days we have seen the execution of a similar project suffice for the destruction of the most magnificent army that Europe ever saw col-

[6] North American Review, vol xxi. p. 475.

lected on its plains. In the present case, congress, more pusillanimous than their chief, gave a decided negative to his proposal, and probably sacrificed a thousand times more property, as well as a multitude of lives: but notwithstanding this injunction, the city was set on fire, whether by accident or design, in several places, and about one third of the buildings consumed: a few incendiaries fell a sacrifice to the rage of the soldiers; and nearly 200 individuals were arrested on suspicion: but though large stores of combustibles were found concealed in cellars, nothing led to the detection of any conspirators; and the affair remains involved in a mystery which probably will never be disclosed. Washington was attacked in his new position, on the twenty-eighth of October, by the royal army, which advanced within cannon-shot of the lines, driving before them several detachments, and thereby creating considerable alarm in the camp. The centre of the enemy was easy to be assailed; but general Howe, neglecting that point, ordered a strong detachment of the left wing under general Macdougal to attack an eminence, on which 4000 men were advantageously posted, probably for the purpose of covering a retreat, if necessary. The importance of this place was mistaken; and the attack was hardly less hazardous, or the action less severe, than it would have been if the lines had been assaulted: it was however carried; but the right and centre of the British did not move, and the victory gained had very little effect; for the Americans after the battle remained tranquil in their intrenchments, and for several days both armies were employed in strengthening their positions: the provincials endeavored to render their lines impregnable; and the British general, desirous of taking up a strong position in their rear, so as to cut off a retreat, waited till his reinforcements could come up. When they arrived, he made dispositions for storming the intrenchments on the last day of October; but incessant rains prevented the execution of this plan, and the Americans completed their fortifications. Washington however did not feel confident in his defences; for having learned that an assault was intended next morning, he drew off his troops across the Croton, and took a stronger position among the highlands, having his front defended by the river, and his rear by woods and heights.

General Howe, perceiving that from the nature of the country, he could not force the American commander to join battle, now made a retrograde movement, and invested Fort Washington, an important and strongly fortified post on York Island,

which secured the communication with New Jersey: colonel Magaw, the gallant commander of this fortress, refusing to surrender at general Howe's summons, on the fifteenth of November, it was carried by a furious assault next morning, when the whole garrison were made prisoners: the loss on the side of the British was 800 in killed and wounded; that of the enemy in killed, wounded, and prisoners, exceeded 3000. Immediately after this success lord Cornwallis advanced against Fort Lee, on the Jersey shore; but as this was an unimportant place after the capture of Fort Washington, it was abandoned by the garrison, who retired with such precipitation, as to leave behind them all their artillery, provision, and stores. The American commander, who had crossed the Hudson with a view to protect New Jersey, found himself compelled to retreat with a very diminished force to Newark; whence he fell back to Brunswick on the approach of lord Cornwallis.

It was now late in the year: most of the New England militia had returned home, their term of service being expired: the Maryland and Jersey levies availed themselves of the same right at Brunswick, even while the enemy was in sight: the loss of baggage, with fatigue and sickness, overcame every other consideration; until the grand army, on which hung the destinies of America, was reduced to about 3000 men, deprived of tents and camp equipage, half naked and barefooted, disheartened by misfortunes, and almost without hope. The spirit of the commander, sustained by the resolution and firmness of his officers, particularly of major-general Greene, enabled him to pass through this scene of misery with a calm undaunted countenance, and saved his army from immediate dissolution.

As the van of lord Cornwallis's army advanced by forced marches to New Brunswick, general Washington retreated to Princetown, having first demolished the bridge leading to the former place over the Rariton. As his lordship had received positive orders not to advance beyond Brunswick, he sent an earnest request to the commander in chief to revoke them; but in vain: he was ordered to wait for a junction of their forces. In this interval Washington escaped with his heavy artillery and stores, and crossed the Delaware on the eighth of December, having secured all the boats to prevent the passage of his pursuers: the British army, as if calculating the time necessary for the enemy's escape, entered Trenton as the last boat of the Americans left it. Here general Howe abandoned the pursuit until the ice should afford a passage over the river:

meanwhile he cantoned his army in detachments along the left bank of the Delaware, at Trenton, Princetown, and New Brunswick. Had general Clinton accompanied lord Cornwallis in this campaign, or been sent, according to his own earnest entreaty, with lord Howe's fleet to attack Philadelphia, a very different result would in all probability have ensued. As if anticipating such an attack, and dreading the consequences, congress broke up its meeting, and fled to Maryland: dissensions began to prevail among its members, some of whom applied to the commissioners for protection: but Clinton was despatched on an expedition against Rhode Island, because lord Howe thought its occupation necessary for the fleet: the attack was successful, for it was conducted by a man of energy and talent; but the opportunity of striking an early and decisive blow against the colonists was lost.

During the late career of victory, lord Howe and his brother issued a proclamation, recapitulating their former offers, and promising free pardon to all, who, within sixty days, should appear before any governor, or military commander, and engage to continue peaceable and loyal subjects of his majesty; the lenity of which measure, added to the success of the army, produced such an effect, that if the British troops had been able to march at once to Philadelphia, it is certain that capital would have surrendered, and would perhaps have drawn the whole continent after it.

The partisans of congress were also much disheartened by the capture of general Lee, whose talents were equally admired by the colonists and dreaded by the English: his discernment had already saved an American army from destruction; and Washington, though he viewed him with no friendly eye, was still anxious to have his presence and assistance. On the thirteenth of December, as this able officer was advancing to join the commander in chief, he quitted his camp before Morristown on a reconnoitring expedition, and stopped at a place called Basking-ridge to breakfast: in this situation he was surprised by colonel Harcourt, who with a party of light horse was watching his movements, and had received intelligence of his position. Having made every possible disposition to prevent escape, colonel Harcourt rode up to the house, disarmed the sentinels, forced open the door, and took the general prisoner, who was instantly mounted and conveyed with great celerity to the British camp. This gallant exploit caused deep regret in the provincial army; and Washington, not having at this time any prisoner of equal rank with general Lee, pro-

posed to send to the British head-quarters six field-officers for his exchange; but as general Howe chose to consider him in the light of a deserter rather than a prisoner, though he had resigned his commission before the commencement of hostilities, no offer or solicitation could procure his release; and he was put under strict confinement: this conduct so exasperated congress, that they deprived several British officers of their parole, and declared that the treatment experienced by general Lee should form the model of their conduct with regard to prisoners of war. At no period of this distressing series of events did the firmness of that body desert them; nor did they ever lose sight of their grand object, independence and separation from Great Britain. Soon after their declaration to this effect, they voted articles of union and confederation for the 'United States of America,' and reserved the general dependence of each state for the decision of delegates in congress, without depriving any of their freedom of action in the regulation of their own internal government. They passed a vote for raising by loan, at four per cent., 80,000 dollars, for which certificates were to be given, and the faith of the United States pledged to the lenders for principal and interest: these certificates, which were transferable, were not only made a legal tender; but the refusal to accept them in the course of exchange was made punishable by a heavy penalty. Another mode of raising money was by a lottery of 400,000 tickets, in which 5,000,000 of dollars were distributed in prizes. To reanimate the drooping spirits of the people, they published an address, recapitulating every grievance and complaint against the mother country, fabricating new charges out of the manner in which the war was conducted, boasting of the aid already obtained and still expected from foreign powers, speaking contemptuously of British valor, and decrying the terms of submission offered by our commissioners. Even when congress was compelled to abandon Philadelphia and take refuge in Baltimore, by no act did they testify despair, or want of public spirit: on the contrary, their conduct assumed a high degree of moral dignity: they merely adjourned the assembly from the twelfth to the twentieth of December, and in the mean time appointed a solemn fast.

The army at this period was in a miserable state, its enthusiasm being nearly vanished, and the troops looking with eager expectation to the expiration of their term of service; so that their commander, after having formed a few soldiers, felt the mortification of being obliged to train a new

army. This second differed in many respects from the first: the men were raised chiefly at the instigation of others, and brought with them sordid views and personal animosities, which threatened ruin to the cause of freedom: the parsimony of congress neither allowed sufficient bounty to recruits, nor pay to officers; so that these latter had recourse to low arts for the purpose of eking out their miserable subsistence: some even exercised their trades for this purpose; and it is said that one of them was seen, in the presence of several persons of consideration, shaving his own corps:[7] local animosities were violent; and the militia were backward, undisciplined, and refractory.

Washington continually represented to congress the improvidence of raising a military force for so short a period as one year; and pointed out the necessity of vigor and generosity, by enforcing the levies, extending the time of service, and augmenting the bounties. It was long before that body could divest themselves of their fear of a standing army, or cease to regard its great commander without a degree of suspicion: at length, however, they yielded to his representations; and on the sixteenth of September, passed a vote for raising eighty-eight battalions to serve during the war, fixing a proportion for the different states: a bounty also of twenty dollars was offered to each private, and portions of land promised both to officers and soldiers, with a reversion to their widows or representatives, at the end of the war; to a colonel, 500 acres, and to a non-commissioned officer or private, 100.[8] All officers, except generals, were to be appointed by the governments of different states; but some mean deductions were made from the pay of the soldiers: orders also were issued to prevent a monopoly of military stores, and for a better supply of gunpowder. These measures were not adequate to the increasing exigences. Washington still remonstrated against the parsimony of congress, and advised that instead of 88 battalions, 110 should be raised; but even the former number could not be completed: the militia could not be stimulated to exertion; and the general saw reason to fear that ten days more would terminate the existence of his army.[9]

In this emergency, he decided that something must be

[7] Adolphus's History of George III. vol. ii. p. 367.

[8] To a lieutenant-colonel 450, a major 400, a captain 300, a lieutenant 200, and an ensign 150.

[9] Adolphus, vol. ii. p. 368.

attempted, to raise the drooping spirits of his followers: accordingly, when general Arnold visited the camp, and suggested a daring manœuvre, Washington readily gave into the scheme, and adopted a plan for putting it in execution.[10] The commander, while gathering strength by calling in his distant divisions and volunteers, had himself remarked the detached corps of British and Hessians, far distant from each other, in a line of nearly eighty miles from the Hackensack to the Delaware: it also happened that the posts of Trenton, Bordenton, and Burlington, where the Hessians lay, under colonel Rhalle and count Donnop, were unprovided with any works of defence; while the other posts, as if in defiance of reason, were made stronger in proportion to their distance from the enemy. Having obtained by Arnold's assistance a sufficient number of boats, he determined to cross the river; and, dividing his troops into three parties under himself and generals Irving and Cadwallader, he ordered them to meet on the banks of the Delaware on the twenty-fifth of December, when it was believed that the enemy would be enjoying the festive anniversary in confident security. The division conducted by the commander in chief was alone successful: the night was dark and very cold; and the passage was so retarded by a high wind, a swift current, and floating masses of ice, that it was four o'clock in the morning before they could be formed on the Jersey shore: no difficulties, however, or delay disheartened Washington: he formed his detachment, consisting of 2500 men, into two divisions, each of which took a different road; but as the distances to Trenton were equal, they arrived there within three minutes of the same time. The attack was made at daybreak, a violent storm of snow driving in the faces of the assailants: the outer guards in their retreat kept up a running fire from behind the houses; and the main body attempted to form in the principal street, which was prevented by six pieces of artillery under captain Forrest, the fire of which was directed by Washington himself. At length, colonel Rhalle, with several other officers, being wounded, and the Americans beginning to surround them on all sides, twenty-three officers and about 900 men laid down their arms; but a troop of British light horse and about 500 infantry effected their escape to Bordenton: these also would have been captured, had not the disembarkation of the other divisions, under generals Irving and Cadwallader, been prevented by the ice.

[10] From Adolphus's private information.

The prisoners, with their artillery and baggage, were all safely conveyed across the Delaware; and being marched to Philadelphia, were there paraded in a species of military triumph, in order to animate the minds of the provincials, and to show them that the dreaded Hessians were not invincible.

The American commander, finding that the scene of his late exploit was not re-occupied by the British forces, took advantage of this dilatory conduct in his antagonist, by again crossing the Delaware, undeterred by the quantity of ice formed on it, or the difficulties and dangers of a winter's campaign: but at this time so slight was his authority, that only by dint of strong persuasions, and an advance of ten paper dollars to each man, could he engage his troops, whose term of service was expired, to continue in the field six weeks longer. This re-appearance of the enemy on the left bank of the river alarmed the British general; and lord Cornwallis, who had reached New York on his road to England, was ordered back to take the command in the Jerseys. Having effected a junction with general Grant, he found Washington posted on some high grounds not far from Trenton, where he attacked him with a severe cannonade, on the second of January, 1777 he was met with firmness by detachments of the provincials, whose great object was to wear away the day, without the risk of a general engagement: night at length suspended the fight; and the hostile armies were separated only by the narrow stream, over which the last division of the Americans had been forced: their watch-fires were lighted; the guards were doubled; a party was set to work at an intrenchment within hearing of the British sentinels; and every appearance kept up of a determination to abide the result of a battle on the morrow: but at midnight the American commander silently retired before superior numbers, and by a circuitous route moved his little army on Princetown, where a detachment of three British regiments and three troops of light horse were posted: this manœuvre was not discovered by his opponents till the morning, when a distant firing announced that their enemy was nine miles in their rear, and that the magazines at Brunswick were in danger of destruction. About sunrise, Washington surprised the British troops at Princetown, under colonel Mawhood, who had just begun his march to join lord Cornwallis: the colonel at first mistook the American advanced guard for Hessians; but soon recognising his error, gallantly charged, and threw them into disorder: the seventeenth regiment under captain Scott drove the enemy with

fixed bayonets into a ravine, but was almost annihilated by superior numbers: a part forced their way through them, and pursued its march towards Trenton; the other two regiments, after a fierce and obstinate struggle, in which Washington charged at the head of a close column, retreated, though with considerable loss, towards Brunswick: that town, however, with its important magazines, and military chest containing £70,000, was saved through the gallant resistance made by colonel Mawhood. Lord Cornwallis, apprehensive for its safety, when he discovered the retreat of the Americans, hastened to its relief. Washington called off his fatigued troops; and having broken down the bridge over Stony-brook to prevent pursuit, retired unmolested to Pluckemin. The fruits of this victory were some stores of blankets and shoes, two brass field-pieces, and 800 prisoners, among whom were fourteen British officers.

Lord Cornwallis found it necessary to halt at Brunswick, for the purpose of refreshing and reposing his army; and Washington took this opportunity to overrun all East and West Jersey, penetrating as far as Essex county, where he made himself master of the coast opposite to Staten Island, by occupying Newark, Elizabeth Town, and Woodbridge. He fixed his head quarters at Morristown, a place difficult of access, with a fine country in his rear; whence he could draw supplies, and through which he could always secure a passage to the Delaware. With about 1000 regulars and 2000 militia, he recovered the greatest part of the Jerseys, and saved Pennsylvania, in defiance of a large and well-furnished army, which he kept at check in their line of posts from Brunswick to New York. Thus ended a campaign, so glorious to the fame of Washington.[11]

[11] 'No adequate vindication,' says Mr. Adolphus, 'appears for the strange manner in which the British troops were posted in the Jerseys. General Howe (he speaks from private information) adopted the measure in contradiction to his better judgment, but his error was in every point of view inexcusable. Equally culpable was the neglect of caution and discipline which facilitated the surprise at Trenton, for which colonel Rhalle paid with his life, but he alone was not blamable: general Grant, his superior in command, omitted the important duties of visiting his posts, giving his orders, and personally inspecting their execution. After the events at Trenton, the British army seems to have been paralysed by alarm; incapable of resolute measures for assailing a foe who still held them in terror; or for prudent defence of a province, which no force possessed by

But the spirit of New Jersey was now roused to exertion, not only by unlooked for success in arms, but by the insults, injuries, and shameful licentiousness of their foes, particularly the Hessian troops, who had overrun the midland counties of that state: details of each specific wrong were taken on oath, and published by congress in the newspapers, to irritate the inhabitants against the king and British nation: thus the determination of the loyalists began to waver, and many of them joined the republican cause. Taught by better experience of the evils of war, the militia watched every opportunity to strike their enemies, wherever their reconnoitring or foraging parties appeared; and their frequent success greatly relieved the commander in chief, until he could repair the mischief arising from short terms of enlistment.

The British parliament met on the thirty-first of October, when the king declared that nothing would have given him so much satisfaction as to be able to state that the troubles in America were terminated, and the unhappy people returned to their duty; but so daring and desperate was the spirit of their leaders, that they had openly renounced all allegiance to the crown, and rejected with circumstances of insult and indignity every attempt at conciliation, presuming to set up their rebellious confederacies for independent states. If their treason were suffered to take root, much mischief must thence arise to the safety of the loyal colonies, the commerce of the kingdom, and indeed to the present system of all Europe; but though the success of the British arms gave the strongest hopes of a happy result, still it was necessary to prepare for another campaign. He recapitulated, as usual, the pacific assurances of the European powers, and added, that in this arduous contest he could have no other object than to promote the true interest of his subjects. To the revolted colonists he was desirous of restoring the blessings of law and liberty enjoyed by every British subject, which they had fatally and desperately abandoned for the calamities of war and the tyranny of their leaders.

Addresses, which were as usual echoes of the speech, were brought forward in both houses; but an amendment, which was in reality an address in a totally different strain, was moved in the commons by lord John Cavendish, and seconded by the marquis of Granby. In this and the debates that ensued, it

the Americans could have wrested from them. — History of George III. vol. ii. p. 371.

was affirmed that the disaffection and revolt of a whole people could not have taken place without great faults committed against them; and these were imputed to a want of sufficient information in parliament, and too implicit a reliance on ministers, whose schemes for the reduction or chastisement of a factious party had driven thirteen large provinces to despair. The rejection of petitions and complaints; the improper instructions given to commissioners for the purpose of reconciliation, and the remissness shown in sending out even these, formed subjects of vehement reprehension: the endeavors made to break down the spirit and independence of any portion of the British empire were reprobated; and the project of extirpation by the sword was designated as a most dangerous precedent. The mention of the word 'treason,' as applicable to the Americans, called forth violent animadversions, especially from Mr. Wilkes; and the interposition of the Bourbons was pronounced to be inevitable: all reliance on their pacific assurances was exposed with extreme ridicule; and colonel Barré peremptorily asserted that a war of the most serious kind with France and Spain was impending over the country: in short, his majesty's speech, or, as it was now termed, the minister's speech, was reprobated as a compound of hypocrisy and tyranny; holding out law and liberty at the point of the sword, and, like a deceptive mirror, reflecting a false image of truth.

The cause of ministers was defended by lord North and lord George Germaine: the former strenuously denied a charge which had been alleged against him, of withholding information; declaring that he invariably communicated to the house as much as could be divulged with safety; he also indignantly repelled the charge of hypocrisy advanced against that part of the king's speech which stated his desire to restore law and liberty to the colonists: law and liberty, he said, had fled from America; but the day's debate fully proved their existence in this country. The latter asserted, that even the American statements of lord Howe's propositions proved that he was eager to employ means of peace and reconciliation; but Washington was adverse. The forcible asseverations of France, he said, must be taken as proofs of her pacific intentions: should it be otherwise, Great Britain was prepared to cope with any enemy. 'But would the Bourbons, blind to their own interests, wish the spirit of independence to cross the Atlantic? could they be exempt from fear, lest their own colonists should catch fire at the doctrine of the unlimited rights of mankind, and prefer them to slavery and digging of

gold? And would not great danger arise from the vicinity of powerful states, freed from European control?'

The amendment was negatived by a majority of 242 against 87. In the upper house, lord Carlisle moved the address, and the marquis of Rockingham an amendment, similar to that of lord John Cavendish, which was followed by debates of equal violence. The earl of Shelburne designated the speech as a tissue of sophisms; a composition of unqualified absurdity, treachery, cruelty, hypocrisy, and deceit: in descanting on its different paragraphs, he pronounced them all utterly false, differing only in this;—that some of the falsehoods were fallacious, some specious, some gross and notorious.

The duke of Richmond declared that America was irretrievably lost to this country; and that our best policy would be to make the people our friends, even at the price of acknowleging their independence. This doctrine was considered by lord Sandwich as derogatory to the honor, and destructive to the interests of England: he would hazard every drop of blood, as well as the last shilling of the national treasure, rather than allow Great Britain to be defied, bullied, and dictated to by her disobedient and rebellious subjects: even lord Shelburne declared, that he never meant this country to give up its right of commercial control over America, which was the very bond of connexion between them. It was strongly asserted by the friends of administration, that the open and daring hostilities which preceded the declaration of independency would never have occurred, had not a disobedient spirit been fomented by a party at home, which had shamefully sacrificed its country's interests to personal views of faction and ambition: as opposition had been heretofore grounded on the notion that the Americans did not aim at independency, so now there ought to be a complete unanimity in resisting their acts; and this would be the most decisive method of restoring peace to a distracted and divided empire. Great Britain, it was said, deprived of her colonies, would lose her importance in the European system, and might eventually become a province of the first ambitious power that attacked her. England and Ireland, divided by the sea, and inferior in population, could not withstand the power of France, if divested of the sources of wealth and strength derived from her colonies, which must be the result of tamely permitting America to become independent.

A few days after these debates, lord John Cavendish, having produced a copy of the proclamation issued on the capture of

New York, proposed, that in conformity with its tenor, the house should resolve itself into a committee for revising the acts by which the colonists thought themselves aggrieved. Ministers however contended, that this inquiry into grievances had been proffered only to those who should return to their duty: a disavowal of independence and an acknowlegement of British supremacy were requisite, before any measures of reconciliation could be adopted by Great Britain. The proclamation was stated to be conformable to the spirit of all our proceedings; assuring the preservation of their constitutional rights to all that should return to their duty, but vindicating the authority and dignity of the parent state. To revise or repeal laws, for the sake of a people, who, denying the authority of such laws, could not be aggrieved by their existence, would be grossly absurd: if they persisted in their assertion of independence, our present force and recent success made it evident that we could soon reduce them to submission. In the course of the debate, ministers, though they agreed in opposing the motion, took somewhat different grounds: lord North dwelt still on conciliation, which he seemed to think might be effected by the commissioners; lord George Germaine and others trusted principally to compulsion. Opposition did not fail to remark and comment on this diversity of sentiment; though that body itself, distinguished as it was by the extraordinary eloquence and abilities of several among its speakers, labored still more under this defect, and lost much of its power in counteracting the schemes of government by a want of unanimity and concert. On the present occasion, this difference of opinion concerning American independence, though discernible, was not so distinctly manifested as it afterwards became, when it produced a schism among lord North's political opponents. Mr. Burke and the Rockingham party early intimated a wish to treat with America without questioning her independence; to which opinion Mr. Fox acceded, avowing it with his usual openness, and supporting it with his characteristic energy Mr. Dunning, colonel Barré, lords Camden, Shelburne, and Temple, with other connexions of the earl of Chatham, were anxious to conciliate the colonies by redressing their grievances, but to maintain the supremacy of Great Britain. The motion, which was complained of by ministers as a surprise and an unexpected manœuvre, (no business of importance having been expected before the recess) was negatived by a majority of 109 to 47.

After its rejection, many members of opposition, particularly

those of the Rockingham party, withdrew from the house whenever any question relative to America came on for discussion: they attended on ordinary business, and then retired, after making a formal bow to the speaker; alleging, that they were weary of opposing reason and argument to the deaf insolence of power and numbers. This secession was blamed by the majority of opposition itself, who contended that a member of parliament cannot, consistently with his duty, desert the interests of his country merely from an opinion that he will be outvoted: he cannot infer from thence that his attendance will be useless; for a respectable minority, though it cannot carry its own measures, may often modify injurious laws and counsels by exposing their pernicious tendency. It was useless to say that such a secession might operate in certain cases as a call to the people, and awaken them to a sense of danger hanging over the constitution, for no great body could be expected to bend to a mode of conduct, which would appear to be dictated by caprice, or sullenness, or the mortification of party spirit. The resolutions on the army and navy estimates were voted without much opposition; and on the thirteenth of December both houses adjourned for the Christmas recess.

During the transaction of these affairs, circumstances occurred which enabled the ministers still farther to excite the hatred of the people against the Americans. The story of a conspiracy in 1775, on account of which Mr. Sayre had been sent to the Tower, had failed in its intended effect, and by no means increased their popularity: the present occurrence, from the mystery in which it was involved, and the probable guilt of the party, proved more favorable to their views. At the close of the year 1776 a conflagration took place at the rope-house in the royal dock-yard of Portsmouth; but the flames were fortunately prevented from extending to the other magazines: a fire also broke out on the seventeenth of January at Bristol, and destroyed six or seven warehouses. These circumstances excited much alarm in the mind of the public, and suspicion at length fell on John Aitken, an obscure Scotchman, by trade a painter, who was said to have lived many years in America, and who had been in Portsmouth and Bristol when the fires occurred at those places: he was arrested for a burglary in Hampshire; when several suspicious articles being found on his person, he was sent up to London to be examined before the lords of the admiralty, and committed to prison. The principal evidence against him was that of another American painter, who had been employed to

draw from him a confession of his guilt, by apparently sympathising with his misfortunes: on the testimony of this man, John the painter was condemned and executed. Before his death, he is said to have confessed his guilt to a commissioner of the admiralty, and to have accused Silas Deane, the American agent at Paris, of encouraging him to make the criminal attempt. A bill was soon afterwards brought into parliament for the more effectually securing his majesty's dock-yards. A new expedition was this year set on foot, for exploring a north-west passage, not on the plan of former voyages, but through the Pacific ocean into the North sea: on this subject the king felt a warm interest; and though from delicacy towards the veteran captain Cook, who was considered as resting from his labors, he would not permit the admiralty to ask him to take the command, yet he most graciously accepted the services of that great navigator when voluntarily offered. His majesty gave orders, not only that every comfort should be supplied to the voyagers themselves; but that all sorts of useful cattle, poultry, plants, seeds, and utensils should be provided for the benefit of the various lands heretofore discovered, and such as might be now discovered or revisited. The issue of this expedition is well known: the unfortunate captain Cook fell a sacrifice to the fury of the Sandwich Islanders, in executing what he thought was required by duty and policy. His majesty did not neglect to alleviate the sorrows of his widow, whilst he took the promotion of his sons under his especial care.

CHAP. XVIII.

GEORGE III. (CONTINUED.)—1777.

Meeting of parliament—Letters of marque granted—Lord North's bill for detaining in prison persons charged with high treason—Debates on it—Carried, with certain amendments—Warm debates on the accounts of last year—Additional demands of the landgrave of Hesse—Augmentation of the revenue of the civil list—Debates on it—Protest, &c. in the house of lords—Speech of Sir Fletcher Norton to the king—Thanks of the house to him—Subsequent discussion thereon—Lord Chatham's motion for an address to the king—Rejected—Supplies for 1777—King's reply to the speaker when he presented the bills for royal assent—Lord North's exertion of patronage—Memorial presented to the States General—Views of the house of Bourbon not generally suspected—Trial, &c. of Dr. Dodd—Affairs of the East Indies—Mr. Hastings's administration in Bengal—Embarks for England—Affairs at the presidencies of Bombay and Madras—Extraordinary conduct of the latter in the case of lord Pigot—Parliamentary proceedings on it—Trial of the conspirators before lord Mansfield.

On the meeting of parliament after the recess, a bill was brought into the house of commons, on the sixth of February, for enabling the admiralty to grant letters of marque to privateers against vessels belonging to the revolted colonies; and it went through both houses without opposition. On the same day also lord North introduced a bill 'for enabling his majesty to detain and secure persons charged with, or suspected of, the crime of high treason, committed in North America or on the high seas, or the crime of piracy.' By its enactments, every one so charged or suspected was liable to be committed to any place of confinement appointed by the king, under his sign manual, within any part of his dominions, without bail or mainprize, and there detained without trial during the continuance of the law. On the second reading, Mr. Dunning expressed much surprise, that a bill, which struck directly at the habeas corpus act, that pillar of British liberty, should be brought in without notice, and in so thin a house: he therefore moved that it should be printed; which was granted. The alarm thus excited brought back to the opposition benches several of the seceders; and a spirited

discussion of the measure ensued, in which it was characterised as a bill for the production of spies, informers, and false accusers; furnishing means of gratification, emolument, and safety to the most profligate of mankind; and enabling any revengeful minister or mercenary villain to satiate his revenge or replenish his purse at the expense of the virtuous. 'Who knows,' said Mr. Fox, 'but that ministers, in the fulness of their malice, may take into their heads that I have served on Long Island under general Washington? What would it avail me to plead an *alibi*, that I was never in America, or on any sea but that between Dover and Calais? All this may be true, says a minister, or a minister's understrapper; but you are for the present suspected, and that is sufficient: this is not the time for proof; this bill cares not whether you are guilty or innocent: I know you are fond of Scotland, and I will send you under the sign manual to study the Erse language in the isle of Bute; and as soon as the operation of the bill is spent, you will be at liberty to return, or go whither you please: you may then call on your accusers to prove their charges against you of treason in America or on the high seas, or of piracy; but they will laugh in your face, and the act of parliament will serve as a complete plea in bar.' Ministers, he went on to observe, were credulous in the extreme, because fearful; and they were fearful from a consciousness of their crimes. Mr. Thurlow ridiculed the absurd and preposterous idea that the bill was intentionally framed to reach disaffected persons within this realm; though, if it did operate to that extent, he should hardly consider this as a fault.

The commitment of the bill was carried by a majority of 195 against 43; but as it was found that some of the clauses were open to serious objections, Sir Grey Cooper, secretary to the treasury, moved an amendment, proposing to substitute for the clause 'in any part of his majesty's dominions,' the words 'within the realm:' this however by no means satisfied the opposition; and a petition was presented from the city of London, praying that the bill might not pass, or at least might not extend to persons resident in Great Britain; and this limitation was ultimately carried, principally by the efforts of Mr. Dunning: a clause was also introduced which excluded certain minor acts of piracy from the operation of the bill; opposition members being very anxious to obtain every qualifying explanation, though they strenuously resisted its whole principle. In the house of lords it passed without op-

position, but with a protest signed by a single peer, lord Abingdon.

Some warm debates arose when the accounts of unprovided expenses for the preceding year were laid before the committee of supply: the debts for extraordinary and unprovided services of the war were stated by the minister as more than £2,000,000; a sum which exceeded the demand under the head of extraordinaries in any year of the last war: the rate at which transports had been engaged, and the army in America supplied with rum, were described as instances of a wanton waste of the public money; and deservedly severe strictures were passed, not only on the manner of making contracts, but on the mischief arising from such contracts being made with members of parliament.

In addition to the sum granted to the landgrave of Hesse Cassel for the hire of troops, it appeared that a new demand was made by that potentate of £44,000 for levy money; he having discovered that the treaty of 1755, which was considered as the basis of the present contract, warranted such a claim; and his demand was acknowleged by the minister to be fair, though unexpected. Nor was this the only requisition made by that prince, in consequence of the humiliating state of dependence into which Great Britain was brought by the necessity of obtaining his assistance; for lord North, some time afterwards, moved for and obtained the payment of above £40,000 to the landgrave for the expenses of foreign hospitals in the last war;—a claim, which had been rejected as extortionate by the commissioners at that time appointed to settle questions of this kind. In the midst of the severe and continued debates to which these subjects gave rise, the minister's task of defence was rendered still more embarrassing by the necessity imposed on him of introducing into the house a message from his majesty, desiring that he might be enabled to discharge a second debt of the civil list, amounting to upwards of £600,000; and expressing his reliance on the loyalty and affection of his faithful commons to make some farther provision for the better support of his household, and the honor and dignity of the crown.

The opposition were divided in opinion on this occasion: some were willing to discharge the present debt, without making any augmentation of the revenue; while others demanded that the whole business should undergo a full investigation before any money was voted. They instanced the pr-

ceding reign, in which no such application was made to parliament, and no complaint made of the insufficiency of the sum at which the civil list was fixed: they declared that the revenue of the crown was not only sufficient to support its dignity and magnificence, but that it even exceeded those bounds which were warranted by a limited monarchy and a free constitution. It appeared, by papers laid before the house, that half a million had been expended under the head of the board of works, without any specification of persons or purposes; and that enormous extravagance had taken place under the heads of cofferer's office and foreign ministers; above all, that £285,000 of secret service money had passed through the hands of the two secretaries of the treasury, who, having no intercourse with foreign states, could only be agents for misapplying such large sums to the purposes of bribery and corruption. Mr. Wilkes took this opportunity of venting his spleen against his majesty and ministers:—'The nation,' said he, 'cheerfully gave £800,000 for the trappings of royalty: the proposed augmentation was a violation of public faith; and it was cruel to fleece the people, involved as they were in an expensive, unnatural war, and burdened with an enormous debt.' He reviewed the expenses of all the monarchs since the revolution, extolling their magnificence to the disparagement of the court of George III. Alluding to his own sufferings, he mentioned an article in the account of secret services for money paid to Samuel Martin, Esq. in 1763, and said that he himself had been plundered in one year of £1000 in two fines: he attacked with great asperity the literary pensions bestowed on two jacobite doctors, Shebbeare and Johnson; on Hume for attacking christianity, and Beattie for defending it: he also spoke with much acrimony of the disagreements in the royal family; contrasting the kindness of Louis XVI to Monsieur and the comte d'Artois, with the harshness of the king towards the dukes of Glocester and Cumberland.

Lord North having rested the propriety of the proposed augmentation on the plea that the revenue allotted to the civil list had exceeded the yearly sum of £800,000, with which it was charged, by upwards of £100,000 each year,—which was the additional sum required,—some members in both houses maintained, that if the revenues proceeding from Wales, Cornwall, the duchy of Lancaster, Ireland, the West Indies, American quit-rents, &c. were taken into consideration, the crown would be found to have possessed for several years a revenue of more than a million sterling; and though the proceeds from Hanover

and Osnaburg did not come within the cognisance of parliament, yet they were to be considered as objects of attention in all questions relative to the increasing power and dangerous influence of the crown.

Mr. Burke asserted that nothing but a confidence in the servility of the house, and a knowlege of its carelessness, could have rendered ministers desperate enough to assert that sufficient provision was not made for the splendor of the crown. He objected, and with great justice, to the futile argument drawn by lord North from the experience of the whole reign, that £800,000 was not sufficient for the civil list expenses; because, if admitted, the propriety of every person's practice would be judged by the practice itself; a man's extravagance would become the measure of his supply; and because he had actually dissipated a large revenue, he ought to be furnished with another still larger to dissipate also. This would establish a principle of public profusion; would make it the interest of ministers to be prodigal; since their extravagance, instead of lessening, would be the certain means of increasing their estate.

The minister however lost none of his usual friends on this trying occasion: Sir Robert Walpole himself was not more industrious than lord North in procuring adherents in the lower house by all those arts which work on the principle of self interest; and before the close of the last session ten new peers had been called to the upper house, three barons advanced to earldoms, and one to the dignity of viscount.[12] Such therefore were the prevailing sentiments of loyalty, that not only was the deficient sum voted out of the sinking fund, but an addition made to the civil list of £100,000 per annum.

These grants however did not pass without warm debates in the house of lords: the marquis of Rockingham moved an amendment to the address; which, being rejected, was entered as a protest on the journals, signed by fourteen peers: in this document they recorded their opposition to the measure, not solely from motives of economy, but from a dread of the effect which such an augmentation might have on the honor and integrity of parliament; vesting, as it did, such large sums of money, without responsibility, in the hands of ministers. Assertions were also made, that there was a prevalent opinion regarding the civil list revenues, that they were employed in creating an undue parliamentary interest; and therefore the

[12] Lord North's Administration, p. 257.

proposed increase of the overgrown influence of the crown would be a treacherous gift even to the crown itself; since it would enable ministers to carry o what the protesters considered delusive hemes, which infallibly tended to the destruction of the empire.

The most remarkable circumstance attending this extraordinary grant, was the speech of Sir Fletcher Norton, when he presented it for the royal assent:—'In a time sir,' said he, 'of public distress, full of difficulty and danger, their constituents laboring under difficulties almost too heavy to be borne, your faithful commons, postponing all other business, have not only granted to your majesty a large present supply, but also a very great additional revenue, great beyond example, great beyond your majesty's highest expense: but all this, sire, they have done in a well-grounded confidence that you will apply wisely what they have granted liberally; and feeling, that under the direction of your majesty's wisdom, the affluence and grandeur of the sovereign will reflect dignity and honor on his people.' The countenance of the king is said to have indicated how little acceptable to royal ears was such an unusual freedom of speech:[13] on the return of the deputation, the thanks of the house were voted to the speaker; yet not without exciting secret and acrimonious resentment among the king's friends; one of whom, Mr. Rigby, took occasion, in a subsequent debate, to arraign Sir Fletcher's honest conduct as insulting to his majesty, and misrepresenting the sentiments both of parliament and of the nation. The speaker appealed to the vote of thanks which he had received, as a proof that he had not been guilty of the misrepresentation now ascribed to him; and the minister, uneasy at the altercation, intimated his wish that the discussion might be dropped: but Mr. Fox, immediately rising, declared that a serious and direct charge having been made, the question was now at issue: either the speaker had misrepresented the sense of the house, or he had not: he should therefore move, that the speaker, in his address to his majesty at the bar of the house of peers, did express, with just and proper energy, the sentiments of the house. The speaker himself declared, 'that he would sit no longer in that chair than while he was supported in the free exercise of his duty: he had discharged what he conceived that duty required of him, intending only to express the sense of the house; and from the vote of approbation with which he had been

[13] Other authorities however declare the contrary.

honored, he had reason to believe that he was not chargeable with any misrepresentation.' Ministers now found themselves in so unpleasant a dilemma, that they earnestly pressed the withdrawing of the motion; and this being refused, Mr. Rigby moved an adjournment: but the house appearing on this occasion alive to its own dignity, he at length thought fit to make some concession, declaring 'that he meant no reflection on the character of the speaker; that he merely expressed his own private opinion, according to the privilege possessed by every member of that house; and if what he had advanced was not agreeable to its members, he would readily withdraw his motion of adjournment;' which being done, Mr. Fox's motion was carried unanimously.

Towards the close of the session, lord Chatham, after a long absence from the house of lords, moved for an address, advising his majesty to take speedy measures for terminating the war with America by the removal of accumulated grievances; and the house, at lord Camden's request, was summoned for the express purpose of deliberating on this motion.

Lord Chatham began by declaring the country unequal to support the contest. Alluding to the taking of Louisburg in the former war by the Americans, who were now termed rebels, he excused their excesses on account of the injustice which they had long suffered: he also decried the efforts made to conquer them; declaring that none would avail against the spirit of British freemen. 'We have tried,' said he, 'for unconditional submission: let us now try what can be gained by unconditional redress. The door of mercy has hitherto been shut against them: every corner of Germany has been ransacked for boors and ruffians to invade and ravage their country; since to conquer it, my lords, is impossible: you cannot do it: I may as well pretend to drive them before me with this crutch. Our armies, if dispersed, will be cut off; if collected together, will be starved. We have obtained nothing during three years but stations; and have, in fact, been teaching our opponents the military art, with forces too numerous for peace, and too limited for war.' He continued to urge strongly a redress of all grievances and an acknowlegement of the right possessed by the Americans to dispose of their own money: this, he said, would be the herald of peace, and would open the way for treaty: if we conquered now, it would be under the cannon of France; under a masked battery ready to open and sweep us off. Less dignity would be lost in repeal and redress, than in submission to the

demands of petty German princes; especially as we had been the aggressors. The present moment, he declared, was the crisis; for whenever France and Spain should enter into a treaty with America, Great Britain must declare war against them: he would be among the first to advise it, if we had only five ships of the line in our ports: besides, if it were even practicable, after a long course of success, to conquer America, no advantages could be obtained but from the good will of the inhabitants, which depended intirely on measures of conciliation and justice.

In a subsequent part of the debate his lordship more fully explained his views, by urging the repeal of every oppressive act passed since 1763:—'I would put our American brethren,' he said, 'in the very situation they were in at that period; leaving them to tax themselves, and expecting that they would in return contribute to common burdens, according to their abilities. Concession ought to come from us, who have been the aggressors by burning their towns, plundering their country, confiscating their property, and imprisoning their persons: the affections of the people have been estranged from their sovereign, who would be again enthroned in their hearts by this concession; and your lordships, by contributing to so great a work, would merit and receive the prayers and benedictions of the people in every part of the British empire.'

The peers who supported administration insisted that the original aim of America was independence, which the partisans of lord Chatham strongly denied; and the assertion, that Great Britain was the aggressor, met with as decided a contradiction. Several collateral topics of discussion protracted the debate; but it appeared that, unless the house had changed its opinions, the present motion must be rejected, since it held out nothing new: lord Chatham's ideas respecting France were considered as very extravagant, and his picture of our national imbecility as inviting other nations to take advantage of our distress: besides, strong representations were made of the anarchy prevailing in America, and of all the unjust and cruel acts committed against their loyal brethren by rebels, who to the horrors of war added the brutality of savages and the treachery of cowards. An abandonment of our rights, lest France should attack us when our strength and resources became weakened or exhausted, was represented as pusillanimous advice not worthy of attention; and the motion was negatived by ninety-nine against twenty-eight. Among other transactions of the session, was a grant of £3000 to the British Museum: an

act was also brought in by the solicitor-general, for restraining, and subjecting to several judicious regulations, certain grants of annuities. The supplies for the service of the year 1777 amounted to £12,895,543;[14] for the raising of which the land tax was continued at four shillings in the pound; the usual duties were continued on malt, &c.: the sinking fund to January 5th, 1777, after the appropriation of the last year, yielded a surplus of £295,832, and the next quarter ending the fifth of April produced £760,363: the growing produce of that fund was charged with £1,939,636: £1,500,000 in exchequer bills was continued: £5,000,000 were raised by annuities, and £500,000 by a lottery: £200,000, which had been brought into the exchequer by the executors of the late lord Holland, formerly paymaster of the forces, was applied to the current service; and some savings in the exchequer, which amounted to £7701, completed the ways and means.[15]

In presenting the bills to the king at the close of the session, the speaker again stated to his majesty the hope of the house, that speedy means would be discovered to stop the ravages of war, which otherwise might be attended with consequences ruinous to the prosperity, and perhaps dangerous to the safety of the country.

The king expressed his approbation of the conduct of parliament, thanking them for their attachment to his person and government, and their steady perseverance in maintaining the true interests of the country and the rights of its legislature he trusted in Divine Providence, and a vigorous exertion of the great force in his hands, to suppress rebellion, and re-establish that constitutional obedience to the laws, which is due from all the subjects of a free state. Parliament rose on the sixth of June.

In the debates of this session considerable jealousy of the increasing power of the crown appears to have existed: nor was this wholly without reason; for in addition to the vast accession of influence resulting from the augmented revenue of the civil list, the minister had shown himself de-

[14] Navy £4,210,305, army £4,366,383, miscellaneous service £141,602, exchequer bills discharged £1,500,000, last year's vote of credit discharged £1,000,000, arrears and debts on the civil list on January 5, 1777, £618,340, to pay off prizes in the lottery of the year 1776, £500,000, deficiencies on land £250,000, on malt £200,000, on the fund in 1758, £44,600, and on grants for 1776, £61,288.

[15] Lord North's Administration, p. 273.

termined to make a desperate use of the prerogative in the creation of peers, ten of whom had already been called up to the English house: this however was only a prelude to future operations. It was in Ireland, a country at that time famed for the conversion of high-flown patriotism into official zeal; a country where a deficiency of revenue was compensated by a superabundant supply of orators, ready to rally round government at any salary and at all hazards,—that lord North determined to dazzle the eyes of opposition at home by a display of ministerial munificence. On the second of July this year the Irish peerage found itself reinforced in numbers by eighteen new barons, and augmented in splendor by the elevation of seven barons to the dignity of viscount, and five viscounts to that of an earldom. What party could retain its fidelity against a minister so gifted and so prodigal of favors? He now acquired as strong an influence in the upper house as he had long held among his faithful commons: in this latter assembly his success in making converts by the talismanic influence of official emolument, was equal to that of Sir R. Walpole himself: his address was far superior; for he acted with such decent secresy, that although the public continually beheld him making proselytes, it was generally supposed that he had convinced, not corrupted them.

During these deliberations of parliament, the conduct of the Dutch, especially in the West-Indies, induced Sir Joseph Yorke, our minister at the Hague, to present a memorial to the States General: in this he particularly complained of M. Van Graaf, governor of St. Eustatia, who had permitted an American privateer to capture a British vessel within cannon-shot of that island; had returned the salute of a rebel frigate; and whilst he promoted an illicit commerce, had connived at the hostile equipments of Americans: attestations of these charges were added, and the recall of the governor demanded.

The States, offended at this imperious language, but acting with their usual caution, ordered their envoy in London to deliver a counter-memorial to the king, complaining of the menacing tone adopted by his ambassador towards an independent power, so long united by the ties of harmony and friendship with Great Britain: at the same time they disavowed the acts attributed to their governor, and acquainted his majesty that they had ordered him home to give an account of his conduct. It does not however appear that he was suspended from his authority: the English ministry pretended to be satisfied, though they secretly meditated retaliation whenever a favorable

opportunity should arise. Previously to the interchange of these memorials, offence had been taken by the British court at the refusal of the States to part with the Scotch brigade in their service, though the king had signified his wishes on the subject to their high mightinesses in a letter written with his own hand.

The views of the house of Bourbon at this period have been already detailed: its acts, like those of all double-dealers, were full of inconsistencies, subject to perpetual remonstrance, and consequently requiring perpetual explanation; but its answers were always conciliatory, sometimes humble; so that even the most sagacious observers were deceived by its manifestation of frankness and sincerity: a profound politician, who was at Paris, in the very centre of information, even declared, that 'far from taking any step to put a speedy end to this astonishing dispute, he should not be surprised if the French next summer were to lend their cordial assistance to England as the weaker party.'[16]

During this summer the trial and execution of the celebrated Dr. Dodd took place; a melancholy instance of a man possessing high attainments, and many estimable qualities, brought to a disgraceful end by a system of extravagance, to which pride and a fatal love of pleasure led him. Having committed a forgery to a large amount on the earl of Chesterfield, who had been his pupil, he was tried for this offence, found guilty, and executed at Tyburn, on the twenty-seventh of June. Greater influence was scarcely ever exerted to save the life of a criminal than that which was now made for Dr. Dodd;[17] and as some obloquy has been cast on George III. for turning a deaf ear to every petition for mercy, in this case the historian is bound to vindicate the character of a monarch, whose heart was not dead to that quality, though he had the good sense to perceive that it is a very pernicious one, if suffered to interfere with higher duties. The conduct of the sovereign might be left safely to rest on the plain circumstances of the case; that of a man, who with greater inducements to keep the path of virtue than the generality of men possessed, in the advantages of education and the nature of his profession, had committed

[16] Gibbon, Posthumous Works, vol. i. p. 526.

[17] Besides a petition from the city of London to his majesty, there was another from the Magdalene charity to the queen, and a third from upwards of 20,000 inhabitants of Westminster, beside letters from Dr. Johnson and other eminent individuals to influential persons at court, &c.

a crime for which his life was forfeited to the laws of his country. Was the aggravation of his guilt to be made a plea for the remission of his punishment? But in fact a case had occurred in the preceding year, which rendered it imperative on the king to let the law take its course in the present instance. Similar applications for mercy had been made for the two brothers Perreau, the first persons convicted under the new forgery act; more especially for the younger, who was considered as a dupe rather than a criminal. His majesty was inclined to pardon him; but the privy council thought that one brother could not justly be reprieved if the other suffered, and both were left to their fate. On this account therefore the king was induced to withhold his privilege of mercy from Dr. Dodd; and it is well known that lord Mansfield observed, when the case came under the consideration of the council, that 'if Dodd should be pardoned the Perreaus were murdered.'

As the affairs of India now began to divide parliamentary attention with those of America, it will be proper to revert to the transactions of that important part of the empire.

In the spring of 1772 the presidency of Bengal was committed to Mr. Hastings, whose administration was marked by decisive counsels and great events; giving rise to discussions which diffused throughout the community a general knowlege of Indian affairs, and of those important interests which they involved. The state of the company's government about this period is forcibly delineated in a document addressed by their own board to the president in the beginning of the year 1773. It begins with expressing a wish, 'that they could refute the observation — that almost every attempt made by them and their administrations for the reformation of abuses, had rather increased them, and added to the miseries of the country which they were anxious to protect and cherish.'[16] It then goes on to speak of destructive monopolies, of anarchy among their servants, and oppressive jurisdictions; of youths suffered to exercise sovereign authority over the natives, and a variety of evils lying too deep for any partial plans to reach or correct; and it concludes with expressing a hope of assistance from their new governor, on whose temperance, economy, and application they place firm reliance; promising him, in return, their steady favor and support in the measures that he may adopt.

It would have been difficult for the company to find a person more capable of recovering their affairs from a state of

[16] Mill's British India, vol. iii. p. 458.

unexampled embarrassment than Warren Hastings. 'Though,' says Mr. Mill, 'he had no genius for schemes of policy including large views of the past and large anticipations of the future, he was hardly ever excelled in the skill of applying temporary expedients to temporary difficulties:' and that eminent commander, Sir John Malcolm, who is equally to be admired in the cabinet and in the field, declares, 'that Mr. Hastings showed all the active energy of a great statesman, who by his spirited exertions saved the interests of his country from the ruin in which they would have been involved, had a man of less resolution, fortitude, and genius held the reins of government.' This is great praise: nevertheless, without being influenced by the heart-rending scenes of horror delineated in the splendid orations of Burke, every unprejudiced reader, who peruses the records of Warren Hastings's administration in the candid pages of Mr. Mill, corroborated, as it there is, by authentic documents, must confess that in numerous acts and measures he preferred the interests of the company, and sometimes his own, to the clear dictates of probity and justice. The only excuse that can be offered for him, if it be an excuse at all, is, that he found the system, over which he was sent to preside, full of abuses, and its finances utterly deranged; so that he was in some degree obliged to follow the steps of his predecessors; in order to repair the dilapidated revenues of the company, and to fix its tottering power. Mr. Hastings was directed to make the safety and prosperity of Bengal the first object of his attention; and on this order, the late lord Erskine, while pleading the cause of another client,[19] grounded a collateral defence of the Indian governor. 'If,' said he, 'our dependencies have been secured and their interests promoted, it is preposterous to bring to the standard of justice and humanity the exercise of a dominion founded on violence and terror. It may be, and must be true, that Mr. Hastings had repeatedly offended against the rights and privileges of Asiatic government, if he was the faithful deputy of a power, which could not maintain itself an hour without trampling on both; he may, and must have offended against the laws of God and nature, if he was the faithful viceroy of an empire wrested in blood from the people to whom God and nature had given it; he may, and must have preserved that unjust dominion over timorous and abject nations, by a terrifying, overbearing, insulting superiority, if he was the faithful administrator of a

[19] John Stockdale, the bookseller.

government, which having no root in consent or affection, no foundation in similarity of interests, no support from any one principle which cements men together in society, could only be upheld by alternate stratagem and force.'

It must also be recollected that the delinquencies of Warren Hastings stand out prominently as detached parts of his administration: they are not found blended with the general system which he pursued; for he was popular on the whole both with the natives and with his countrymen in India; and he effected much, against many local and practical difficulties, in the improvement of its internal government. Even Mr. Mill himself, attempting to soften down the unfavorable picture of tyranny and injustice, which historic truth compelled him to draw, declares, 'that he was placed in difficulties, and acted on by temptations, such as few public men have been called on to overcome.' Still it must be confessed that the man had an iron heart.

The first important change made in the government of Bengal by its new president, was connected with the dewanee or collection of the revenue. With a view to remedy some of its abuses, the directors had determined to alter the double or *ambiguous* administration established by lord Clive, 'by which,' says Mr. Mill, 'all the vices of the ancient polity were saved from reform, and all the evils of a divided authority were superinduced.' Grievously disappointed in their expectations, they now resolved to take into their own hands the collection as well as the disbursement of the revenue: the lands of the company were let on long leases, and several oppressive exactions were abolished: when the zemindars, and other middlemen of ancient standing, offered for the lands which they had been accustomed to govern terms that were deemed reasonable, they were preferred: when their offers were thought inadequate, they were allowed a pension for their subsistence, and the lands were put up to sale.[20] But this change in the administration of property rendered a change also in the administration of justice indispensable; and thus a revolution was brought about, more deeply affecting the condition of the natives than was ever contemplated, or than had ever been effected by the most extensive conqueror: the office of naib duan,[1] held

[20] Mill's British India, vol. iii. p. 466.

[1] He also held the office of naib subah, comprehending the superintendence of the nabob's education, management of his household, representation of his person, and administration of justice, &c.

by Mahomet Rhiza Khan at Moorshedabad, and by rajah Shitabroy at Patna, was abolished; a board of revenue being established in its stead at Calcutta. Both those officers were arrested on a groundless suspicion of abuses in their trust, and sent prisoners to the seat of government; but after two years it was judicially declared that no guilt was proved against them: the latter, a man of high spirit, died of a broken heart, in consequence of this ignominious arrest, soon after his return to Patna. The guardianship of the young nabob was also taken from Mahomet Rhiza Khan, and confided to a female, the second wife of Mir Jaffier, called Munny Begum: at the same time, the revenue set apart for the expenses of the prince[2] was reduced to one-half, agreeably to the orders of the directors.

While this revolution was taking place in the government, the neighboring powers were preparing another scene of action for the enterprise and ambition of the company's servants. On the twenty-fifth of December, 1771, the emperor Shah Allum, having yielded to the extravagant demands of the Mahratta chiefs, entered his ancient capital of Delhi with all the pomp and display which his impoverished circumstances would permit: but from those scenes of repose and pleasure he was soon hurried away into the field by his imperious allies. The Rohilla country, which, under the administration of Nujeeb u Dowla, had been rendered one of the most florishing districts in India, held forth a rich prospect for spoliation. Saharunpore, the jaghire of that minister, now under the government of his son Zabita Khan, was the first object of attack: the emperor yielded to it through motives of policy, fearing the resentment of Zabita Khan, who, by the invasion of Delhi, had been dispossessed of that government. Although Zabita Khan made a spirited resistance, he was unable to withstand the united forces of the mogul and his savage allies; and after a severe defeat, he made his escape to the camp of Sujah Dowla, vizir of Oude, leaving his fine territories a prey to the Mahrattas, who instantly seized on them in spite of the emperor's remonstrances.

The situation of the Rohillas now became very alarming: they had every reason to regard with suspicion and dread the rapacity of the vizir, who had long cast an eye of desire on their country; but pressed by the superior force of the Mahrattas, they were induced to propose an alliance with him as the less evil of the two: little exertion however was made to

[2] Thirty-two lacs of rupees.

expel these formidable enemies, who, after having ravaged the country, recrossed the Ganges as soon as the rains commenced. Having extorted from Shah Allum a grant of the provinces of Corah and Allahabad, at the proper season they resumed offensive operations; and being anxious to penetrate into the vizir's dominions, offered very advantageous terms of alliance to the Rohillas: these latter, however, unfortunately for themselves, thought it less dangerous to rely on the faith of the vizir than on the promises of the Mahrattas; while the nabob himself, being seriously alarmed, invoked earnestly the aid of the Bengal government. But though his forces, in conjunction with the English, passed into Rohilcund, and encamped near the Ganges; a large body of the Mahrattas crossed the river; overran a great part of the Rohilla territory; and having destroyed the cities of Moradabad and Sumbul, continued their ravages till the end of March. The British general was restrained by peremptory orders from passing the river; and in May the Mahrattas were drawn off by domestic affairs into their own country.

The departure of these marauders opened at once a field to the ambition of the vizir, and to the cupidity of the Bengal government: a treaty was formed for the purpose of subjecting Rohilcund to a deceitful and cruel tyrant, in order that he, when gorged with plunder, might be squeezed for the benefit of the company's finances. 'I found the vizir,' says Mr. Hastings, in his report to the directors, 'still bent on the design of reducing the Rohillas, which I encouraged, as I had done before, by dwelling on the advantages which he would derive from its success: the situation of the company urged it on the board as a measure necessary to its interest and safety.' 'All our advices,' he continues, 'both public and private, represented the distresses of the company at home as extreme, calling for ample remittances and a reduction of our military expenses: at the same time, such was the state of affairs in this government, that for many years past the income of the year was found inadequate to its expense; and to defray it a heavy bond debt had accumulated.'[3] Accordingly, Warren Hastings, by his own confession, sold the Rohillas to their atrocious[4] enemy, bargaining to receive forty lacs of rupees

[3] See Mill's British India, vol. iii. p. 499.

[4] The epithet is too mild for one of the most cowardly, cruel, and lustful wretches that ever disgraced sovereign authority.

on the accomplishment of the enterprise, beside a monthly allowance for the British troops engaged in this odious service.

As the council at Calcutta sanctioned this measure, colonel Champion with his brigade was ordered to put it into execution; and on the seventeenth of April, 1774, the united forces of the company and vizir entered the devoted territories of the Rohillas. That gallant people, under their leader Hafiz, offered, according to the British commander's own report, a noble resistance. 'They made repeated attempts to charge; but our guns, being much better served than theirs, kept so constant and galling a fire, that they could not advance; and where they were closest was the greatest slaughter: numerous were their gallant men who rushed forward and pitched their colors between both armies to encourage their troops; and it was not till they saw the whole British line moving to charge them, after a cannonade of two hours and twenty-minutes, that they turned their backs and fled: the gallant Hafiz Rhamet fell as he was bravely rallying his people to battle.' 'I wish,' says colonel Champion, 'I could pay the vizir any compliment on this occasion, or that I was not obliged to express my indignation at his shameful pusillanimity:' the fact is, that cowardly tyrant surrounded himself with his cavalry and artillery in the rear of the army during the fight, having relays of swift horses to favor his escape if necessary; but when he heard of the enemy's defeat, he rushed on with his troops, and plundered the camp with a cruel avidity: 'so that we have the honor of the day,' says the colonel, 'but these banditti the profit.' Besides, the whole ferocity of Indian depredation was let loose on the wretched inhabitants; and as the tyrant's intention, repeatedly declared to Warren Hastings, was to exterminate the nation, all that bore the name of Rohilla were either butchered, or found safety in exile.[5] The provinces of Corah and Allahabad, which the naib subah, or superintendent of the emperor, had nominally placed under English protection at the time when they were claimed by the Mahrattas, were now delivered up to the infamous Sujah Dowla for the sum of fifty lacs of rupees: nor was this the whole measure of injustice dealt out to the unfortunate mogul; for his error in flinging himself into the hands of the Mahrattas

[5] For some account of the atrocities in this dreadful scene, the worst of which, colonel Champion says, cannot be described, though the whole army were witnesses of them, see Mill, British India, vol. iii. p. 509.

was seized on as a pretext for resuming the grant or pension allotted to him out of the revenues of Bengal: this spoliation however was suggested by the directors; and though these gentlemen condemned the use made of their troops in subduing the Rohillas, yet they gave their unqualified approbation to the treaty of Benares, in which the shameful bargain was adjusted and concluded. Our pity indeed for Shah Allum is much diminished by the fact, that he also had given his sanction to the reduction of Rohilcund, in a treaty with Sujah Dowla, on condition of sharing in the plunder: the struggle however had been decided by the activity of the British troops before his forces could come up; and the vizir made no scruple of breaking his engagements with this impoverished descendant of the mogul emperors.

The above-mentioned transactions occurred previously to the establishment of the new council,[6] which did not assemble at Calcutta before the nineteenth of October, 1774, when the existing government was immediately dissolved by proclamation. The party which arrived from England, and their colleagues whom they found in India, did not meet with minds under the happiest frame for unanimity and co-operation: the behavior of Mr. Hastings was considered by the new comers as cold and supercilious; and his representation of the Rohilla war presented too many appearances of a doubtful complexion not to excite a desire of elucidation in the breasts of liberal men. An obvious objection lay in its direct opposition to the frequent and earnest orders of the directors, discouraging all offensive wars, and confining the line of defensive operations to the territorial limits of the company and their allies. When the new government assumed the exercise of its authority, intelligence had not arrived of an accommodation which had taken place between the vizir and Fyzoolla Khan, one of the Rohilla chieftains, who still held out with a considerable body of troops in a strong position; so that a continuation of the existing war seemed to require its earliest deliberations. In order to gain some knowlege of preceding transactions, the council requested a copy of the governor's correspondence with Mr. Middleton, his confidential agent at the court of Oude: this however was refused; and the refusal, added to the known

[6] It was composed of the governor, and Mr. Barwell, general Clavering, Mr. Monson, and Mr. Francis. The three latter were sent on this occasion from England.

facts of the Rohilla warfare, gave to his rivals that advantage in their opposition, which long rendered his administration a proper punishment for his many cruel and unprincipled aggressions. It was not till the death of colonel Monson in 1776, that Mr. Hastings obtained an ascendency in the council;[7] and this event induced him to retract his resignation, which he had transmitted to Europe; and to remain at the seat of government. In the beginning of the year 1775 the infamous Sujah Dowla expired, and was succeeded as subahdar of Oude by his only legitimate son, Asoff u Dowla: the council of Bengal instantly took measures to render this change as profitable as possible to the company; and on the twenty-first of May a treaty was arranged, by which they guarantied to the young prince the provinces of Corah and Allahabad, which had been sold to his father; in return for which they exacted from him the territory of the rajah Cheyte Sing, zemindar of Benares, yielding an annual income of 2,210,000 rupees; also an increased allowance for the service of the company's brigade, so as to make it 260,000 rupees per month; while they exacted the payment of all pecuniary balances due by the engagements of his predecessor.[8] The charge of peculation made against the governor himself, and the judicial murder of Nuncomar, his chief accuser, may be passed over as not necessary for the connexion of our history: it will be convenient however still farther to anticipate events in the presidency of Bengal, in order that they may not interfere with the detail of important affairs in southern India, which soon became the theatre of a most destructive and extensive war.

In 1780, the disputes between Mr. Hastings and Mr. Francis terminated in a duel; when the latter gentleman was wounded, and soon afterwards returned to England: the governor-general was then left to prosecute his designs without control against rajahs or nabobs, and to levy contributions at his own will and pleasure: his government was arbitrary; but as it was far less violent, unjust, and oppressive than that of the native princes, it became softened by the contrast; and whilst he pleased all orders by condescending to their customs and

[7] Mr. Barwell always acted with the governor, who had a casting vote.

[8] It is due to Mr. Hastings to observe that he refused his sanction to these terms, extorted from the mere necessities of the young nabob. See Mill, vol. iii. p. 524.

their prejudices, he threw a lustre over his sway by acts of private liberality, and patronage of the arts. Such was the man, who, by his bold exercise of power, gave occasion to the most splendid effusions of eloquence that ever yet have distinguished the British senate.

After having effected great changes in the financial and judicial departments, Mr. Hastings took the extraordinary resolution of visiting the upper provinces in the year 1781: though a most important contest was raging in the Carnatic, and the supreme council was so reduced in numbers that his absence left a single member[9] to conduct the affairs of state; yet, as the government was distressed for want of money, he saw no better way of replenishing its coffers than that of personally enforcing fresh exactions on the rajah of Benares and the nabob of Oude. It has been already observed, that the sovereignty of Benares, that ancient seat of brahminical superstition, had been transferred from the latter potentate to the company: the present rajah had faithfully kept his engagements to his new masters, and continued to pay his tribute with an exactness rarely known among tributary princes of Hindostan; but unfortunately he was supposed to have accumulated treasures, which the governor, pressed by financial difficulties, had marked for appropriation:[10] some slight, but unguarded motions of the rajah towards a communion with Mr. Hastings's opponents in 1777 were recollected, and served to mix up private feelings of resentment with the prudential motives by which he was actuated. 'He knew,' says Mr. Mill, 'under the sentiments which prevailed at home, by what a slender and precarious tenure he enjoyed his place: he knew well that success or adversity would determine the question: he knew that with those whom he served, plenty of money was success, want of that useful article adversity: he found himself in extreme want of it: the treasure to which he looked was the fancied treasure of the rajah; and he was determined to make it his own. If, under such circumstances as these, a zeal for the government which he served could justify his actions, then may Jefferies be regarded as a virtuous judge.'[11]

Having harassed Cheyte Sing with the most vexatious inquisitions, answered his expostulations with menaces, and treated all his remonstrances as proofs of guilt, he proceeded

[9] Mr. Wheler.

[10] 'Of the riches of the rajah, however, says Mr. Mill, 'we look in vain for the proof.'

[11] British India, vol. iv. p. 339.

to remove the British resident from his court, and finally to put the rajah himself under arrest. The confinement of their prince was regarded by the Indians as an outrage of the most atrocious description, and provoked even persons of their timid nature to rise on the troops: during the confusion arising from this tumult, the rajah escaped through a wicket to the river; and letting himself down its steep bank by turbans tied together, made his way to the other side, whilst the palace was occupied by the English troops. The governor, not foreseeing the opposition made to his proceedings, had neglected to provide himself with sufficient means of defence; and if the rajah had not been a man of peaceable inclinations and timid conduct, he might at this time have crushed his foe. Hastings took refuge in the strong fortress of Chunar; and Cheyte Sing made repeated overtures for an amicable negociation, declaring his sorrow for the attack on the troops and for the blood that had been spilt, protesting his own innocence regarding the effects that had taken place, and professing his readiness to submit with implicit obedience to whatever conditions the governor-general might think fit to impose. All his applications however were treated as unsatisfactory and insincere, nor was any reply made to them; and the rajah, collecting his forces, appealed by a manifesto to the princes of Hindostan. The object of Hastings was to push him to actual hostilities; and though he long abstained from all except defensive operations, yet he was attacked, forced into action, defeated, and finally stripped of his dominions: his wife, mother, and other members of his family had retired with their private treasures and effects to the strong fortress of Bidgegur, which yielded by capitulation; and though it was finally arranged that the fort should be given up, with its effects, on the express condition that the females should be safe from the dishonor of search; yet as Mr. Hastings had expressed by letter a desire that they should be despoiled, inasmuch as the plunder was due to the troops, the capitulation was in this instance violated, and the unfortunate women were subjected to the most rude and ignominious treatment. This spoil Mr. Hastings endeavored to recover from the army by retracting his expressions; but in vain: both officers and men refused to surrender what they had, on the faith of the governor, appropriated to themselves; while the amount of the rajah's accumulation deceived expectation, and was found to be no more than what any prudent prince would endeavor to provide for the exigences of his government. A youth of nineteen, a grandson of Bulwart Sing by the female line, was

made rajah of Benares; but scarcely any of the functions of royalty were left to him; and his annual tribute was raised to forty lacs of rupees.[12]

Disappointed in this quarter, and still harassed by pecuniary difficulties, the fertile genius of Hastings soon directed him to other resources. Though the treasury of Oude had been drained by repeated exactions and expenses for the maintenance of troops, until the miserable nabob declared that the pressure was more than he could bear, all his expostulations and petitions for relief were turned against him into so many arguments for additional severity: the governor chose to consider that an idea which the rajah entertained of the instability of the company's government emboldened him to complain: in consequence, it was determined to dissolve all previous treaties, and to form a new bond of agreement, in which permission was given him to resume such jaghires within his dominions as he might choose, under certain conditions. On the face of this article nothing wrong appeared; but it was soon seen to point at the possessions of the mother and widow of the late vizir: these princesses, called the begums of Oude, were reputed to be very wealthy: considerable jaghires had been held by them, since the death of Sujah Dowla, to provide for the state and subsistence of themselves and the numerous families of preceding nabobs placed under their superintendence. It was secretly agreed therefore between Mr. Hastings and the nabob, that his highness should be relieved from the burdensome expense of supporting English troops and civil officers, on condition, not only of stripping the begums of their treasures, but of transferring the proceeds of their jaghires to the governor. The nabob had before contrived to plunder his aged relatives on his own account, though he now discovered or feigned a reluctance to execute his agreement with Mr. Hastings: the rumor of seditious movements, on the part of these secluded females, was made a pretext for the robbery; and the nabob at length proceeded with Mr. Middleton, the governor's agent, to Fyzabad, where the begums resided, and took possession of the palace. The jaghires were soon transferred; but in order to obtain the

[12] The defence set up by Mr. Hastings for this spoliation was, that Cheyte Sing, encouraged by the opposition of Mr. Francis in council, had refused a requisition made by the governor for two regiments, when he was sending succors to the British army of the Carnatic in a time of great distress.

treasure without violating the sanctity of female apartments, two aged eunuchs, confidential servants and ministers of the princesses, were imprisoned and cruelly tortured; nay, even the household of the zenana were subjected to the horrors of famine, until their mistresses consented to surrender their last rupee. This shameful transaction produced upwards of £500,000 for the government; while Mr. Hastings extorted a present of ten lacs of rupees, or £100,000 sterling, from the nabob, which, with the company's permission, he converted to his own use.

His next object of plunder was Fyzoolla Khan, the chief who had survived the ruin of the Rohillas in 1774; and who, having occupied a strong post on the hills, concluded a treaty guarantied by the English government, by which he was invested with the jaghire of Rampore and some other districts in Rohilcund: in return, he was bound to keep up a certain military force, tributary to his British allies, which had heretofore been made the means of extorting supplies from his fears. At the present time, near the end of 1782, a sum of fifteen lacs of rupees was paid by him on condition of being exempted from all future claims of military service: an attempt was made to procure fifteen more, for which his jaghire was to be turned into an hereditary possession; but he was utterly unable to raise the sum, though the improved cultivation of the country and the apparent prosperity of the people, owing to his good government, led the English to believe that his riches were immense.

By letters from the directors, dated February 14th, 1785, the governor's conduct with regard to the begums was indirectly censured, and an inquiry ordered into the conduct of those princesses, with a view of restoring to them their estates, if they should appear innocent of the accusations which had been brought against them by Mr. Hastings: the governor however opposed himself to this inquiry; and having a majority of the council on his side, was able to prevent it: his pretext was, that whenever in India the views of government are known, all evidence tendered will be sure to coincide with those views; not reflecting, that if this were true, all the evidence which he himself produced against the begums, Cheyte Sing, and others, whom he pretended to punish under the color of guilt, ought to have counted for nothing. Notwithstanding the severities practised against the family of the nabob of Oude, and the usurpation of his authority by Mr. Middleton, who even issued warrants for the resumption of the jaghires on

his own authority, this agent of the governor was dismissed because he had not adopted sufficient rigor in pressing the demands of the English government; and Mr. Bristow was appointed resident, under the implied as well as declared expectation, that he would supply what had been remiss in the conduct of his predecessor.[13]

No long time however elapsed before the removal of Mr. Bristow also took place; and in February, 1784, Mr. Hastings undertook a second journey to Lucknow, the capital of Oude, under pretence of settling the affairs of the country. and making such arrangements as would enable the nabob to fulfil his engagements: his journey was opposed by the other members of council; but opposition was of no avail. In proceeding to Lucknow, he passed through the province of Benares, which in the time of Bulwart Sing, and Cheyte his son, had exhibited marks of the highest prosperity; and there he witnessed the effects of his late measures: the first deputy, substituted for the exiled rajah, had been dismissed for not completing the sum exacted by the governor; the second therefore acted on the principle, that payment must be made: the consequence of which was, that the whole population was plunged into misery, and desolation pervaded the whole country. 'From the confines of Buxar,' says Mr. Hastings, 'to Benares, I was followed and fatigued by the clamors of the discontented inhabitants: I have seen nothing but traces of complete devastation in every village: the administration of the province is misconducted, and the people oppressed; trade discouraged, and the revenue in danger of a rapid decline from the violent appropriation of its means.' The arrangements for the government of Benares were intirely his own, and for the effects of them he alone was answerable; but in order to remove the blame from himself, he transferred it all to the unlucky deputy, whom he removed from his office.

The governor-general arrived at Lucknow in the end of March, 1784, and had some success in obtaining money from the minister into whose hands the government was transferred: he now partially restored the begums to their estates, in compliance with the wishes of the directors; but reported that those personages had made a voluntary concession of a large portion of their respective shares. After a residence in Lucknow of five months, he arrived at the presidency on the fourth of

[13] Mill, vol. iv. p. 428.

November; and on the eighth of February, 1785, resigned his office, and embarked for England.

Maddoo Row,[14] the warlike chief, or peishwah, of the Mahrattas, having died in 1772, was, after a short interval, succeeded by Ragonaut Row, better known under the name of Ragobah; whose authority however was not fully acknowleged, and who was soon afterwards deposed: the presidency however at Bombay took this opportunity of concluding an alliance with him, by which he consented to yield up to them Bassein, with the island of Salsette,[15] on condition of being supported by an English army: in pursuance of this agreement, the allies fought; and having gained a victory over the Mahrattas of Poonah, expelled them from Guzerat. This advantageous treaty was strangely deprecated and counteracted by the supreme council of Calcutta, which regarded with feelings of jealousy any attempt to originate important measures independently of its authority: colonel Upton therefore was despatched, in July 1775, to treat with the Mahratta ministers at Poonah; and he concluded a treaty,[16] with much difficulty, on the first of March following, by which the cause of Ragobah was abandoned, and the territorial cessions made to the English renounced. Intelligence however of its conclusion had scarcely reached Calcutta, when letters arrived from the directors, highly approving the first treaty made by the Bombay presidency with Ragobah, and commanding the supreme council to cooperate towards its fulfilment: encouraged by this approbation, the Bombay council stood on the watch for a favorable opportunity of infringing the second treaty; and the Poonah rulers showed no disposition to carry its stipulations into effect. After considerable alarm had been excited by the arrival of a French ship in one of the Mahratta ports, and the reception of an adventurer who assumed the title of French envoy, a fresh treaty was concluded with Ragobah, a loan advanced to him, and an English army of 4500 men sent towards Poonah; but the expedition ended in defeat and disgrace: the English commander declared it impossible to withdraw his troops to Bombay in face of the enemy; and a convention was settled, in which every thing was conceded that

[14] This word signifies in our language 'leader.'

[15] The English had occupied these places to prevent their falling again into the hands of the Portuguese.

[16] Called the treaty of Poorunder.

the Mahrattas demanded; Ragobah was placed in the hands of the Mahratta chief Sindia, and two Englishmen were left as hostages for the fulfilment of these humiliating terms. A detachment from Bengal, under colonel Goddard, had advanced as far as Boorampoor, to co-operate with the Bombay army, when intelligence of these disasters reached its commander: he accordingly marched on Surat, and arrived there in safety about the end of January, 1779. Being invested with full powers by the supreme council, he attempted to open a negociation with the Poonah government on the basis of the treaty of Poorunder; and the discordance which prevailed among the Mahratta chiefs made them listen to his overtures. In the mean time, Ragobah again made his escape, and took refuge at Surat: the negociations were now broken off; colonel Goddard proceeded to Bombay to concert a plan of operations; whilst it was arranged at Seringapatam, between Hyder Ali and the Poonah envoy, that the former, on condition of receiving a confirmation of all the grants made to him by Ragobah, should bring out his whole force, in conjunction with the confederates, who were at this time allied for the purpose of expelling the British from India.

On the side of the Carnatic, the usual course of intrigues, contentions, and oppression had been going on. As if the combined system of government, carried on by the Madras presidency, the nabob of Arcot, and the supreme council of Calcutta, subject to the control of the directors at home, was not sufficiently complicated, a minister plenipotentiary, in the person of Sir John Lindsay, had been sent out by the British government in 1770 to act with independent powers; and by his ill-advised measures, the despicable and faithless nabob, Mohammed Ali, was elevated from a dependent and pensioner on the company, to the rank of an ally and fellow-sovereign with the king of Great Britain.

Mohammed Ali, being bent on a Mahratta alliance for the purpose of overwhelming his hated enemy Hyder Ali, was supported by Sir John Lindsay against the views of the presidency: and although this envoy was recalled, and Sir Robert Harland sent out with similar powers, the only difference between them was, that the latter was still more intemperate than the former; nor was it long before a most disgraceful measure was concerted between them. The nabob had long coveted possession of Tanjore, the rajah of which had been a firm and useful ally of the English in the last French war, and had since remained on terms of strict friendship with the Madras

government: his enemy, however, the nabob, who by his arts and gold had acquired an almost boundless influence in the council, at length overcame all their reluctance to his ambitious views;[17] and in 1773, without any colorable or assigned pretext for aggression, except that the rajah's power was dangerous in the heart of the province, this unfortunate prince was attacked, his capital stormed, and himself with his family carried off as prisoners. Intelligence of these transactions, which were condemned for their cruelty and injustice wherever they were heard, naturally excited indignation in the company, who also began to entertain fears on account of that visible ascendency which the treacherous nabob had obtained over their own servants: it became necessary therefore to send out some person of high character and experience as governor of Madras, to rectify the many abuses committed there; and lord Pigot was selected for this important mission.

He arrived at the presidency in the latter part of 1775, and in the ensuing year proceeded to exert the authority committed to him for the restoration of the deposed rajah: his representations however had no effect with the nabob, encouraged, as he was, in disobedience by the council, many of whom had lent to him large sums of money on most usurious terms, for which the revenues of Tanjore were pledged: his lordship was therefore obliged to visit that province in person; and though he succeeded in restoring the rajah to his ancient and hereditary throne, he attracted to himself the mortal enmity of the nabob, and a corrupt combination of a majority in the council, strengthened by the dangerous power lodged in the hands of the commander of the forces. This hostility soon showed itself, when, in consequence of disputes and cabals with the nabob, it became necessary to send a proper officer to Tanjore. The governor's adversaries at first agreed with him in the propriety of the measure and designation of the person; but they soon altered their opinions respecting the latter; and insisted, that being a majority of the council, they had a right to act independently of the governor's sanction or dissent: lord Pigot, under these circumstances, took a resolution, which nothing but the extreme exigency of the case could justify. By the standing orders of the company, no member of the council, against whom a charge was preferred, was allowed to deliberate

[17] Mr. Burke observed, in his speech on the Carnatic debts, that the gold of this Indian chief returned eight members even to the British parliament.

or vote on any question relating to that charge: at a meeting therefore of the council, when the majority were preparing to send instructions to colonel Stuart, which the governor refused to sanction, he preferred a charge against the first two members who signed them, and these were of necessity excluded from the council-chamber: the president then had a majority by his own casting vote; and as a resolution was carried to suspend the accused from their functions, he thus acquired a permanent majority. At the next council, the excluded members and their party refused to attend; but sent a protest, denouncing the act of the previous meeting; declaring themselves the governing body; and sending the document to all the principal officers, civil and military, within the presidency. In consequence of this outrage, lord Pigot immediately summoned the council, when they passed a vote suspending all the members who had signed the protest; while Sir Robert Fletcher, the commander in chief, was put under arrest, to be tried by a court martial.

Their opponents however were not behind them in violence; for they speedily assembled, declared themselves a council vested with all the powers of government, and resolved to arrest the person of lord Pigot, and to confer the command of the army on colonel Stuart, who was appointed to put their design into execution.

This gentleman, being aware that violence offered to the governor's person by the troops within the precincts of the fortress would subject them to condign punishment by the mutiny laws, contrived a plan to evade it: on the twenty-fourth of August, after dining with lord Pigot, he complained of the excessive heat of the fortress; and observing his host also to be affected by it, he advised him to spend the night at a villa outside the walls, offering, as his professed friend, to accompany him in the excursion. The governor being persuaded, they set out together; but had scarcely passed the precincts of the fort, when they were met by an officer and party of sepoys, by whom his lordship was rudely dragged out of his carriage, carried prisoner to the Mount, and kept in strict confinement: public orders, denouncing immediate death on all who should attempt his rescue, were issued by the conspirators, who, after a course of legal forms, assumed the whole authority of government.

Representations of these transactions were transmitted by the different parties to Europe; and the nabob also, who had

taken so active a share in the disturbances, sent an agent both to the company and to ministers. A court of proprietors recommended the reinstatement of lord Pigot, and the punishment of those who had dispossessed him of his power; but the court of directors, being of opinion that some parts of his lordship's conduct had been reprehensible, and ministers also having listened with favorable ears to the arguments of his opponents, the question was, on the ninth of May, 1777, again brought under discussion; when it was resolved that the governor should be restored, but that he and the council of Madras should be ordered home, in order that their conduct might undergo a legal scrutiny. From this resolution governor Johnstone appealed to the house of commons; moving that it should be rescinded, since lord Pigot had only exerted a justifiable authority for the promotion of the company's interests. The adherents of ministers censured the conduct of his lordship, and contended that it was just and equitable to bring both parties to England, where only an impartial inquiry into their conduct could be obtained: by the restoration of lord Pigot, it was said, the dignity of government would be supported; but as he had violated his trust, and the constitution of the company, his removal was just and necessary. The opposition members justified the governor's conduct: Mr. Fox strongly condemned that violent spirit which had encouraged such outrages against so eminent a man, that ambition which had usurped the powers of government, and that corrupt meanness which had acted in subserviency to an artful and unprincipled potentate. Mr. Burke also entered largely into the character of the nabob of Arcot, and the corrupt influence acquired by that perfidious prince, not only in the council of Madras, but also in this country: the British government, by espousing his cause, as well as that of his factious partisans, and by countenancing schemes destructive to the company's interests, had rendered parliamentary interference necessary for the preservation of our territorial possessions in the east. Governor Johnstone's appeal was rejected, though by a smaller majority than that which usually voted with ministers.

Before the orders, however, could reach India, lord Pigot was no more: his constitution, enfeebled by age, had sunk under the combined effects of anxiety, climate, and confinement: his oppressors, being taken up under a sheriff's warrant, were tried for murder, but honorably acquitted. Several of them afterwards coming over to England, the matter was

again brought before the house of commons by admiral Pigot, who strenuously defended his brother's conduct.[18] He moved for an address, praying that his majesty would be graciously pleased to order a prosecution, by his attorney-general, of George Stratton, Henry Brooke, Charles Floyer, and George Mackay, Esqrs. Mr. Stratton, who happened to be present in his place, attempted to vindicate himself and his colleagues, but failed to convince the house of their innocence; for the motion was carried without a division. The trial took place before lord Mansfield on the twentieth of December, 1779, when the jury found the defendants guilty, and they were adjudged by the court to pay a fine of £1000 each. We must now revert to the transactions that were taking place in another hemisphere.

[18] He stated that lord Pigot had been offered a bribe of near £600,000 to withhold only for a short time the reinstatement of the rajah of Tanjore. The crops of the current year seem to have been mortgaged to the usurious creditors of the nabob of Arcot. yet lord Pigot died so poor, that his son-in-law, Mr. Monckton, was obliged to sell all his houses and effects in India to discharge his debts contracted during his government.

CHAP. XIX.

GEORGE III. (CONTINUED.)—1777.

American campaign—Expedition of the British up the Hudson—Of the Americans to Long Island—Operations of general Howe against Washington in the Jerseys—Seizure of general Prescot on Rhode Island—Expedition of the British army against Philadelphia—Battle of the Brandywine—March of the British towards Philadelphia—Surprise of general Wayne—Lord Cornwallis takes possession of Philadelphia—Two American frigates burnt in the Delaware—Action at German Town—Opening of the Delaware—Washington takes up a position at White Marsh—Removes to Valley Forge for winter quarters—Suffering of the army—Representations of Washington to congress—Plan of general Burgoyne's expedition from Canada—His advance, and proclamation. Ticonderoga fort falls into the hands of the English—Difficulties in the way of general Burgoyne—Failure of the British against Fort Stanwix and at Benington—Americans retire to Saratoga—Reinforced by Arnold—General Gates takes the command—The British advance—Attacked by general Arnold—Repulse the enemy, but lose 600 men—Ill effects of this action—Burgoyne fortifies his position—Sir H. Clinton's expedition up the Hudson—Putnam retires—Capture of forts Clinton and Montgomery—American vessels, and Kingston burnt—Sir H. Clinton returns to New York—Arnold attacks his antagonists, but suffers loss—Burgoyne is surrounded on all sides—Capitulates to general Gates—Terms of convention, &c.—Conduct of the American congress regarding the troops—American privateers—Meeting of parliament—King's speech—Address, and debates on it in both houses—Duke of Richmond's motion for a committee to inquire into the state of the nation, and for the production of papers—Mr. Fox makes a similar one in the lower house—Army and navy estimates—Intelligence of Burgoyne's defeat—Lord Chatham's motions for addresses to his majesty—Debates thereon—Royal assent given to several bills—Motion for an adjournment carried—State of public feeling—Regiments raised by different towns, &c.—Subscription for American prisoners—Princess Sophia born—Duty on auctions and inhabited houses.

THE campaign in America began early in the spring with some spirited enterprises on both sides: a detachment of British forces under colonel Bird destroyed the enemy's stores at Peekskill, about fifty miles up the North river; and governor Tryon, at the head of 2000 men, draughted from different regiments, burned some large magazines at Danbury

in Connecticut, and reduced the town itself to ashes. During the time spent in this service, the American generals Wooster, Silliman, and Arnold collected the militia of the country, and greatly harassed the royal troops in their retreat: in one of these skirmishes, Wooster was mortally wounded; and though the active and indefatigable Arnold, by crossing the country, took up a very advantageous post in their line of march, at Ridgefield, yet his intrenchments were forced by the courage and discipline of the British forces; the Americans were scattered on all sides; and their commander himself, after some extraordinary acts of personal valor, had a very narrow escape: being however only broken, and meeting with reinforcements of men and artillery, they continued to assail the retreating troops, whenever they had an advantage of ground; and thus harassed the royal forces in flank and rear, until they gained the hill of Compo, near the Hudson, where the naval part of the expedition was left. As the Americans appeared to be preparing for a desperate assault; Sir William Erskine, placing himself at the head of 400 picked men, charged their advancing columns with the bayonet, and put them to so general a rout, that the British were permitted to re-embark without any farther molestation. The success of the enterprise however scarcely compensated for the loss of 200 men and ten officers killed and wounded: the great exertions of general Arnold on this occasion procured him promotion from the congress, and the public donation of a caparisoned charger.

In return for these expeditions, the effects of which were severely felt by the Americans, the Connecticut men sent a small force under colonel Meigs against Sag's harbor in Long Island, where commissaries had been employed in collecting forage, grain, and other necessaries for the British army. On the twenty-third of May, about 150 men, crossing the Sound in whale boats, landed on the northern branch of the island: thence dragging their vessels over a tongue of land, they embarked again, and landed on the southern branch, within four miles of the point of attack. Having arrived there before daybreak, they rushed on with great impetuosity; and notwithstanding the resistance of the guard, and the severe fire of a schooner which lay within 150 yards of the shore, they effectually accomplished the object of their enterprise; having burned a dozen vessels which lay at the wharf, and destroyed all the stores deposited on shore: they also carried off near 100 prisoners, including the officer on duty, with his men. This

exploit of colonel Meigs was acknowleged by the gift of an elegant sword from the congress.

After the British had obtained possession of New York, their next grand object was Philadelphia; but in this they had been hitherto baffled by the skill and intrepidity of the American commander in chief: from the situation of the troops under lord Cornwallis at Brunswick and Amboy, so near to those under Washington at Morristown, the duty had been severe and unremitting; and frequent attempts made on both sides to surprise each other's outposts. Though the Americans were generally worsted in these encounters, yet they became gradually inured to military service; until Washington, having received large supplies of men from the different provinces, quitted his camp; and advancing towards Brunswick, took possession of an almost impregnable line of country along Middle Brook, where he commanded a full view of his adversary's motions. The army at New York was not able to take the field till June, for want of tent and field equipage; which at length arriving, with some British and German recruits, Sir William Howe passed over in full force to the Jerseys, and by a well-concerted stratagem nearly succeeded in finishing the campaign by a single blow. Feigning a retreat, and leading off all his troops to Amboy, as if about to pass a bridge which he had thrown over the narrow channel to Staten Island, he drew after him several large bodies of the provincials under generals Maxwell, Conway, and lord Stirling: even Washington himself, with all his caution, left his inaccessible heights, and advanced to a place called Quibble-town, to be nearer at hand for the support or protection of his advanced parties. The British general then expeditiously marched the army back by different routes, in the hope of cutting off his immediate pursuers, and of coming up with Washington's main body; whilst lord Cornwallis, with his column, was ordered to take a circuit, and secure some mountainous passes, the occupation of which would have reduced Washington to abandon that strong position which had hitherto afforded him security. In the prosecution of this part of the plan, his lordship fell in with a detachment of about 3000 provincials under lord Stirling and general Maxwell, strongly posted, and well provided with artillery: but the Americans, unable long to sustain the impetuous attack of the British troops, fled, and were pursued as far as Westfield, leaving behind them three pieces of brass cannon, and about 200 men in killed and wounded. Washington

however saw his error, and quickly remedied it, by regaining his station on the hills, and securing those passes, which were the main object of lord Cornwallis's expedition. The British general, despairing of any future scheme for bringing his antagonist to action, drew off his forces to Staten Island, with the intention of conveying them by sea into the heart of Pennsylvania.

During the cessation of hostilities occasioned by these movements, an American colonel, of the name of Barton, conducted a spirited enterprise, in which he carried off general Prescot, commanding officer on Rhode Island, who had imprudently fixed his head quarters near the western shore, at a considerable distance from his troops. Having landed about midnight, and surprised the sentinel, they seized the general in bed, and without suffering him to put on his clothes, hurried him on board a boat, in which they passed under the stern of the British guard-ship without being perceived, and conveyed him safely to Providence. This capture, which was a fair retaliation for the surprise of general Lee, restored that general in a short time to the American cause by exchange.

On the twenty-third of July the British fleet set sail from Sandy Hook; and after a tedious voyage, landed the troops at the head of Chesapeake-bay; for the navigation of the Delaware had been impeded by obstructions of the most astonishing magnitude, under the advice of Dr. Franklin. Washington, having received intelligence of these movements, took possession of some heights on the eastern side of the river Brandywine, which falls into the Delaware below Philadelphia, with an intention of disputing the passage. By daybreak on the eleventh of September, the British army advanced in two columns from the head of Elk, driving in the advanced guards of the enemy towards Chad's-ford, where a passage was to be attempted: to this place general Knyphausen advanced with the second division of the army, as a feint; while lord Cornwallis, at the head of the other, took a circuitous route, crossed the forks of the Brandywine, and fell on the enemy's right.[19]

[19] 'It seems that Washington, suspecting this manœuvre, had formed a plan of crossing the river himself at Chad's-ford, before his lordship could come up, for the purpose of attacking the British troops, having left their artillery and baggage behind: that the first New Jersey regiment, to which captain Ogden belonged, was posted in advance, and prepared to make the attack; when an answer was sent by Washington to a message from its commander, that he was distracted by contrary intelligence; and he

As soon as the success of his lordship's attempt was made known by the cannonade in that quarter, general Knyphausen gallantly crossed the ford, and carried the batteries: at four o'clock in the afternoon, the British united forces attacked the Americans under general Sullivan, who, to the number of 10,000, were strongly posted on the heights above Birmingham church: from thence they were obliged to retire to their forests for refuge, where they obtained reinforcements, and took up another position; but were again driven from it by British valor, and compelled to fly with precipitation, leaving 300 killed in the action, 600 wounded, and 400 prisoners: they lost also several pieces of artillery; but Washington kept together his corps, and retired with his cannon and baggage to Chester, where he remained for the night, unmolested by pursuit:[20] next day he continued his retreat to Philadelphia, where he collected as many of his routed troops as he was able, and repaired from the magazines of that city the losses which he had sustained in stores. As he had to march twenty-three miles to Philadelphia, which was distant only eighteen from the British camp, Sir William Howe was much blamed for remissness in pursuing and intercepting him; but in excuse it was remarked that the horses were in a miserable condition; and the men, after so long a confinement in transports, were not capable of such great exertions as a rapid pursuit of the enemy would have required.

The works for the defence of Philadelphia were carried on with unremitting diligence; while Sir William Howe advanced with caution, and endeavored by his manœuvres to distract the attention of the enemy, who hovered about him, and threatened

did not send the expected order to advance. It seems that colonel Hamilton, one of Washington's aides-de-camp, had reconnoitred the enemy, and informed the general that they were in full march up the river, on the other side of it, towards his right: at the same time an express arrived from general Sullivan, who had been placed on the right for the purpose of observing the enemy's movement, saying that there were no troops on that road. On what small circumstances often hang the results of a battle! The videttes sent out by general Sullivan had spent their time in drinking at a tavern; and on their return, reported that the enemy was not on that route: accordingly, the general wrote on a drum-head his despatch, containing this contradictory intelligence; and Washington's right was turned.'—Life of Ogden, in American National Portrait Gallery.

[20] The marquis de la Fayette, who was only nineteen years old, and a volunteer in the American service, was wounded in this action.

an attack. On the twenty-sixth, Washington determined to risk an engagement to save the place, and both armies drew up in battle array on the Lancaster road; but a violent storm, with a deluge of rain, parted the combatants; and the Americans, finding their ammunition spoiled, withdrew to a place of security: after one more vain demonstration of attack, they finally retired, and left the roads to Philadelphia open to the invaders.

While Sir William Howe was preparing to advance on that city, he received information, that general Wayne, with 1500 men, had moved into the rear of the British army, and had taken a position in the woods, for the purpose of harassing their march: accordingly, major-general Grey was sent with two regiments and a body of light infantry, to attack them; which service he performed with singular energy and skill. Having determined that his men should trust intirely to the silent effect of the bayonet, and taken the flints out of their muskets for greater security,[1] he effectually surprised the outposts; and then, guided by the light of the enemy's fire, rushed on them with such impetuosity, that 300 were killed or wounded on the spot;[2] and the remainder, though they escaped through the darkness of the night, lost all their baggage and stores. Three days after, the British army passed the Schuylkill, and on the twenty-sixth took post in German Town. Congress was obliged to fly, first to Lancaster, and afterwards to York Town in Virginia; while general Washington withdrew to Skippach-creek, a strong post about sixteen miles from the British head-quarters. Lord Cornwallis, at the head of a strong detachment, took undisputed possession of Philadelphia on the twenty-seventh: thus a communication was facilitated between the northern and southern provinces; and nothing was required for an active co-operation between the army and navy, but the opening of the Delaware.

To effect so desirable an object, a corps under colonel Stirling crossed that river on the first of October; and taking possession of Billingsport, enabled captain Hammond, of the Roebuck, partially to remove the lower line of *chevaux de frise*, though the two upper still remained in possession of the enemy, together with the forts that defended them. At this period lord Howe arrived with his fleet, and anchored on the

[1] He acquired the name of 'No-flint Grey' from this action.
[2] A monument has been since erected there to the memory of the slain.

western shore, from the town of Newcastle to Reedy Island. The United States frigate, the Effingham, had been carried up the river by her commander, captain Barry,[3] within a few miles of the city; where, as well as the Washington, she was burnt by a detachment sent by lord Howe for that purpose.

General Washington, having gained intelligence of the British movements by some intercepted letters, and having also received considerable reinforcements, decamped from his position at seven o'clock in the evening of the third of October, and at daybreak next morning made an attack on the fortieth regiment, posted at the head of German Town. Their brave commander, lieutenant-colonel Musgrave, though obliged to retreat, threw himself with five companies into Chew's-house, a large stone edifice in the village, fronting the enemy; by which judicious movement he arrested their progress till the British troops could get under arms, and prevented the separation of the right and left wings. General Washington here made one of those few mistakes which detract from his brilliant career: instead of leaving a corps to blockade this temporary fortress, he brought up a whole brigade, with four pieces of cannon; and wasted his valuable time in attempting to reduce it: but the small British garrison resisted all his efforts, pouring a dreadful and incessant fire on his troops through the windows, till they were relieved by major-general Grey and three battalions of the left wing, supported by brigadier-general Agnew at the head of the fourth brigade. The engagement however was warmly carried on: a body of troops passed Chew's-house on the eastern side, and penetrated so far into the British lines, that the ninth Virginia regiment was assailed at once in front and both flanks; when its commander, Mathews, surrendered; but not till nine bayonet wounds bore evidence that he had resisted to the utmost. On the western side, the Maryland troops under major Howard, after driving in a corps of British light infantry, and pursuing them through their encampment, advanced about a quarter of a mile towards the main army, where they maintained their position until the unsuccessful attack on the house obliged them to retreat.[4] A fog, which

[3] 'An offer was made to him of 15,000 guineas, and the command of his frigate in the king's service, if he would bring her in; but the bribe was indignantly rejected.'—Life of Captain Barry, in the American National Gallery.

[4] 'It was the opinion of that officer, who married a lady to whom this noted house belonged, that instead of colonel Musgrave's retreat into it being a prompt movement, on the pressure

covered the earth during this contest, enabled the Americans to carry off their artillery; and to that cause has been attributed the want of renewed and concerted operations by the American general, after so many corps had passed Chew's-house; the fog being so dense, that the positions of the different divisions could not be ascertained.

The grand object of opening the navigation of the Delaware was eagerly pursued by one party, and no less vigorously opposed by the other. Washington, despairing of any effectual attack on the British army, sent strong reinforcements to the different garrisons, and fortified Red Bank, a height opposite Fort Mifflin, between which the naval armament of the Americans was stationed: a spirited attack on this post was made by a strong detachment under count Donnop, which failed owing to the shameful want of scaling-ladders: its brave leader expired of his wounds; and of his followers, about 400 were placed *hors de combat*: two sloops of war also, the Augusta and Merlin, which were sent up to aid in the assault, ran aground, while they endeavored to avoid the *chevaux de frise*, and were both burnt. Preparations however being completed for attacking Mud Island, the chief defence of the river, and situated about seven miles below Philadelphia, a vigorous cannonade compelled the garrison to retire in the night of the fifteenth of November to Red Bank, which also was abandoned at the approach of lord Cornwallis: the ponderous *chevaux de frise* were weighed, though with great difficulty; and the Delaware was completely opened to the British.

Washington, who had been reinforced by 4000 men from the northern army, took up an advantageous position at White Marsh, about fourteen miles from Philadelphia: his antagonist, finding himself restricted by this proximity of the American forces, which shut him out from a fertile source of supplies, quitted Philadelphia, and endeavored to bring them to action; but was foiled in all his attempts.

Determined however to defend the country from depredation, support the cause of congress, and restrict the influence of the British commanders to their place of residence, the American commander selected Valley Forge for winter quarters; and there, while their foes were luxuriating in the comfortable quarters of a large and wealthy city, the Americans suffered such distress,

of instant danger, it was only the execution of a plan previously arranged, in case of attack.'—Life of Colonel Howard, in the American National Gallery.

that nothing but the most ardent spirit of liberty could have supported them. So unprovided were they with the most necessary articles of clothing, that their march from one place of encampment to the other might be traced by the blood which their naked feet left on the snow. The extent of Washington's influence with his army may be judged of, by his inducing them, not only to endure with him the inclemency of a winter in the open country, but to build huts for shelter in default of tents: hundreds of these brave men had not even blankets for a cover in the night season, while the winds blew, and the storm beat, and the snow drifted over them: naked and shivering, they lay on the bare ground; but their stout hearts did not quail: those that lived endured patiently the miseries of their lot, and those that died expired with silent resignation. Hunger failed not to add its lingering tortures to their sufferings: the commissariat department, imperfectly organised, had given cause for continual complaints: Washington had frequently and earnestly remonstrated; but the evil could not easily be obviated without creating great distress in other quarters. Congress authorised the seizure of provisions within seventy miles of head-quarters; and though the general was once compelled by stern necessity to avail himself of this authority, he exercised it with great forbearance, and testified without delay his repugnance ever to have recourse again to such an exercise of power.[5]

At this time a party was formed in congress to displace the commander in chief;[6] and a few officers of the army encouraged the discontent by extolling the services of Gates above those of Washington: the legislature of Pennsylvania too added their voice to the dissension, by remonstrating against the troops removing into winter quarters; but the machinations of faction were fruitless. The general possessed the confidence of the country, and was thoroughly beloved by the soldiers; so that the only effect produced was indignation against those that were thought inimical to the chief: but while these intrigues were going on, the sufferings of the army were not abated; and they at length drew from the commander a communication to congress of unprecedented plainness and energy. He stated his conviction, that without some efficient change in the commissariat department, the army would be reduced to starvation or dissolution; that there was not in the camp a single head of

[5] See Washington's Letters, vol. ii. p. 222.
[6] Life of Washington, in American National Gallery.

cattle to be slaughtered, nor more than twenty-five barrels of flour; that there were 3000 men unfit for duty, because they were barefooted and otherwise naked; besides those confined by sickness in the hospitals and farm-houses. Even then a considerable time elapsed before the exertions made by congress and the state governments afforded relief, and enabled the army to make preparations for the ensuing campaign.

From these transactions in the middle states we must now revert to some important and contemporaneous events in the northern provinces. A plan had been formed by the British government to send an army by the Canadian lakes to Hudson's river, and cut off all communication between the northern and the southern colonies: the command of this expedition was given to general Burgoyne; an act of great imprudence in lord North, who for the sake of gaining parliamentary interest from the ranks of his opponents, disgusted a highly meritorious officer, sir Guy Carleton, and occasioned his resignation. Nothing, however, was wanting on the part of the ministry in other respects to promote the success of the undertaking: 7173 veteran troops, with a detachment of artillery, all abundantly supplied and well-officered, were sent from England; and vast quantities of warlike stores were furnished for the use of the Canadians who might enter the British service: several tribes also of savages, on the back settlements and borders of the western lakes, joined this force, having resolved to take up the hatchet against the Americans. The acceptance of their services was severely censured, not only in the American congress and the British senate, but by the public press, as abhorrent to humanity and religion: in excuse, it was urged, that the employment of subsidiary forces in any war, foreign or civil, is a practice in which all nations concur; and the Indians had been engaged in former contests by Americans, French, and English, without exception or reproach; also that from the known disposition of these savage nations, and the anxiety of the Americans to engage them, they would have been employed against us, if we had refused their offers.

All necessary preparations being concluded, general Burgoyne and his army set out from St. John's on the sixteenth of June; and proceeding up lake Champlain, landed without resistance, and occupied a station near to Crown Point: here he met the Indians in congress; and in compliance with their customs, gave them a war-feast, addressing to them a speech, which was designed to mitigate their ferocity, and direct their energy to proper objects: he also issued a proclamation, dis-

playing the motives by which Great Britain was impelled to assume her warlike attitude; and describing, in high colors, the tyranny, injustice, and hypocrisy of the American congress. Encouragement was promised to all who should assist in restoring legal government, and protection to the peaceable and industrious; while the inflictions of war, in their most dreadful forms, were denounced against those who engaged in active hostilities. The high-sounding terms and impolitic menaces of this manifesto had no other effect than that of exciting the indignation of the revolted colonists, and impelling them to the most obstinate resistance.

The Americans had greatly strengthened the works at Crown Point and Ticonderoga; but as they had not troops sufficient to man them, general St. Clair called a council of war, in which it was determined to evacuate those posts, and retire by night towards Skenesborough, the baggage and stores being despatched in vessels up the South river. Being pursued, as soon as the dawn revealed their flight, great part of the naval force was captured near the falls of Skenesborough; and brigadier-general Frazer, having overtaken the rear of the retreating army, intirely dispersed it, after a severe action, in which the Americans left their commander, colonel Francis, with many officers and 200 men, dead on the field: a similar number were taken prisoners, and 600 were supposed to have died undiscovered in the surrounding woods. The van, under St. Clair, after a fatiguing march, arrived at Fort Edward on the Hudson, where general Schuyler, the American commander in chief, was stationed, who then had about 4400 men under his orders: these might easily have been dispersed by general Burgoyne, if he could have depended on supplies; but his sole resource was in those that were brought from England, and despatched through Canada with infinite labor and trouble. This was one of the insuperable difficulties, of which ministers were forewarned by those who deprecated a contest with our American colonies.

When the British troops advanced towards the Hudson, they met with tremendous obstacles in their march through a wild country, in a sultry season, where all the roads were obstructed by an immense number of forest trees felled, and thrown across them: their slow progress afforded the enemy time to recruit their forces, and to resuscitate the enthusiasm of their countrymen: such indeed was the alacrity of the people in flocking round the national standards in this time of danger, as fully to justify the observation of St. Clair,

when he abandoned Ticonderoga—'that he had lost a post, but had saved a province.' The reinforcements that came in from the populous states of New England soon swelled the provincial army to 13,000 men; whilst general Burgoyne began to be deserted by his allies, especially the Indians, whom his humanity had offended, by restraining them, as much as lay in his power, from their savage mode of warfare: he was also disappointed in the result of an expedition which had been sent from Canada across Lake Ontario, under brigadier-general St. Leger, against Fort Stanwix; that officer being obliged to retreat, after abandoning his tents and large quantities of stores to the garrison; whilst the Indians, disappointed in other plunder, began to pillage the baggage even of their allies. At the very time general Burgoyne heard of this disaster, he experienced one still more severe in the defeat of colonel Baum with a large detachment of German troops at Benington, where they had been despatched for the purpose of intercepting some supplies, of which the British army stood greatly in need. The Americans, augmented by continual accessions of strength, succeeded, after many attacks, in breaking this corps, which fled into the woods, and left its commander mortally wounded on the field: they then marched against a force of 500 grenadiers and light infantry, which was advancing to colonel Baum's assistance under lieutenant-colonel Breyman; who, having spent all his ammunition in a gallant resistance, was obliged to seek for safety by a retreat on the main army: but the British loss in these two actions exceeded 600 men: besides, a party of American loyalists, on their way to join the army, having attached themselves to colonel Baum's corps, were unfortunately destroyed with it;—a circumstance, which greatly discouraged that body of men, and checked their zeal in similar attempts.

These defeats, and the failure of general St. Leger, who had been expected not only to create a diversion of the enemy, but to join the main army with a large additional force at the mouth of the Mohawk river, contributed greatly to the ruin of general Burgoyne's expedition: the American troops had, on the advance of the British, retired from Fort Edward, to Saratoga, lower down the Hudson, where they were joined by a considerable reinforcement of men and artillery under general Arnold; and soon afterwards, Schuyler, whose health had become much impaired, was superseded by general Gates, an active and intelligent officer, whom congress appointed to arrest the progress of the invading army.

General Burgoyne having by unremitted exertions collected

provisions for thirty days, resolved to cross the river: this design he effected by means of a bridge of rafts, and encamped about the middle of September on the heights of Saratoga, in face of the enemy, who were strongly posted at Still Water, nearly eight miles distant from Albany, and who showed no signs of receding from their position. The movements of the British general were greatly retarded by a heavy train of artillery, and the almost impassable state of the roads, in consequence of some heavy rains: at length, on the nineteenth, the army again advanced in several columns; the British taking two different roads over the heights; and the Germans following the main route to Albany, by the river side, for the greater security of the baggage.

About noon, however, the Americans, under Arnold, attacked the British corps with great spirit, and a severe conflict was kept up till evening; when general Philips, who commanded the left column, brought up the Germans to join in a charge, which drove the enemy off the field: this advantage, however, was dearly purchased by the loss of more than 600 men; and though the provincials lost an equal number, yet the check given to the invading army, which was obliged to halt for the collection and care of its wounded, produced all the effects of victory, which were soon felt in the supplies of men and provisions which daily came into the camp: besides, on the very day preceding this action, an American detachment had surprised three companies of the fifty-third regiment, and destroyed the boats on Lake George, which were employed in conveying provisions to general Burgoyne's army. Thus, without the power of retreat, with a superior force in front, and deserted by all but about fifty of his Indian allies, the commander in chief judged it prudent to wait for intelligence from the southward: in consequence, he took a position between Still Water and Freeman's Farm, fortifying his right wing, and extending his left to the banks of the river.

At this crisis he received notice of a design of Sir Henry Clinton to open a communication with him by an expedition up the Hudson, the forts on which, while in possession of the Americans, effectually stopped the passage of British vessels to Albany. Three thousand men were convoyed by commander Hotham to Verplank's Point, where a disembarkation was effected without any opposition; and general Putnam, deceived by this feint, hastened to occupy the passes on the eastern shore, with reinforcements drawn principally from the fortresses, under an idea that it was general Clinton's in-

tention to push through the highlands on that side of the river, in order to join Burgoyne: the British commander, however, at daybreak, passed over to Stony Point, on the western shore, with 2100 men, and in two simultaneous attacks gallantly carried Forts Clinton and Montgomery; which obliged the Americans to burn their navy, consisting of five ships, lying in that part of the river, and defended by a massy boom stretched from Fort Montgomery to an opposite point called St. Antony's Nose. A flying squadron under Sir James Wallace, ascending the river, burned many other vessels; and a military force under general Vaughan carried fire and destruction before them: landing at Esopus Creek, they destroyed two batteries, and an armed galley; after which exploit they wantonly reduced the beautiful town of Kingston[7] to ashes, with a large collection of stores and provisions. In this expedition, however, though prosecuted with much spirit and ability, they suffered some severe losses; and as general Clinton, still distant more than 130 miles from the Canadian army, was delayed by the necessity of removing impediments, and by want of provisions, exposed also to an attack by a strong force under general Putnam, if he should attempt to proceed by land; and at the same time in lamentable ignorance of general Burgoyne's condition; he had nothing left but to retire on New York, after having crippled as much as possible the resources of the enemy.[8] In the mean time, general Burgoyne, finding his difficulties daily increasing, without any prospect of relief, resolved on a desperate effort to dislodge the enemy from their post on the left: accordingly, he advanced with 1500 men and a considerable force of artillery; but this detachment had scarcely formed within half a mile of the American intrenchments, when they were suddenly attacked by a superior force under general Arnold, and driven back to their camp, with the loss of six pieces of cannon: nor had they long gained the lines before

[7] The name given to it by the first Dutch settlers was Esopus.

[8] Soon after his departure from New York, he had received a letter requesting him to make a diversion, which the operation he was then engaged in was well calculated to effect but Burgoyne, having yet met with no check, did not solicit aid. The day after the capture of the forts, an officer in disguise arrived; but he only represented, that if general Burgoyne did not hear of co-operation by the tenth of October, he should be obliged to retire on Fort Edward by the want of provisions. After the destruction of Esopus, general Vaughan wrote to Sir H. Clinton, that he could obtain no certain intelligence; though what he did learn filled him with apprehensions.—Adolphus, vol. ii. p. 453.

another furious assault was made on them, which, though it was repulsed in the English quarter, and Arnold was wounded, yet succeeded against the Germans, whose intrenchments were carried, colonel Breyman being killed, general Frazer mortally wounded, and about 200 prisoners taken; but what was of more importance to the Americans, they obtained from the spoils of the field a large supply of ammunition, which they much wanted. As they had also effected a lodgement, in consequence of defeating the Germans, Burgoyne, to prevent himself being surrounded, made an immediate change of position, and withdrew his whole army to the heights in the rear of his former position, leaving his wounded to the humanity of general Gates and his army; a confidence which was not misplaced. Next day these brave men repeatedly offered battle to the enemy, but without effect: the latter were bent on securing an easier victory, by turning the right of the British army, and enclosing them on all sides. The moment general Burgoyne perceived this intention, he quitted his position, and fell back to Saratoga, where he found the passes toward the Canadian frontiers all preoccupied by the Americans: the farther banks of the river were also lined with troops, which, together with numerous batteaux, commanded the navigation: no means of escape therefore seemed left, but a rapid march by night to Fort Edward; but while preparations were making for this movement, intelligence was received that the fords at that place were occupied, and the high grounds between Forts Edward and George every where secured.

Lamentable indeed was the condition of the royal army. Abandoned in the most critical moment by their Indian allies, unsupported by their brethren from New York, weakened by the timidity and desertion of the Canadians, worn down by a series of incessant exertions, and greatly reduced through repeated battles, they were invested by an army nearly three times their number, without a possibility of retreat, or of replenishing their exhausted stock of provisions: a continual cannonade pervaded their camp, and rifle and grape shot fell in various parts of their lines; nevertheless, they still retained their fortitude, and nobly sustained the character of British troops.

In the mean time, the American army was hourly increasing: volunteers came from all quarters, eager to share in the glory of destroying or capturing those whom they considered as their most dangerous enemies. The thirteenth of October at length arrived: the day was spent in anxious expectation of some important result; but no prospect of assistance ap-

pearing, and their provisions being nearly spent, the hope of relief could no longer reasonably be indulged; and general Burgoyne thought proper in the evening to take an account of the provisions left: as these were found barely sufficient for three days, a council of war was called, and made so general, as to comprehend field officers and captains. Their unanimous opinion was that the situation of the army justified capitulation on honorable terms; and a messenger was accordingly despatched to open a communication with the enemy. General Gates, in the first instance, demanded that the British troops should ground their arms, and surrender themselves prisoners of war; to which proposal the following reply was sent:—'This article is inadmissible in every extremity: sooner than the army will consent to ground their arms in their encampment, they will rush on the enemy, with a determination to take no quarter.' After much negociation, a convention was settled, of which the following were the principal stipulations:—'The British troops to march out of their camp, with all the honors of war, to the verge of the river, where the arms and artillery are to be left:—the arms to be piled by word of command from their own officers:—a free passage to be granted both for officers and men to Great Britain, on condition of their not serving in North America during the present contest; and the port of Boston to be assigned for transports to receive the troops, whenever general Howe shall so order:—the army under general Burgoyne to march towards Massachussetts-bay, by the easiest route, to be quartered in or near to Boston;—the troops to be supplied with rations by general Gates's orders, at the same rate as those of his own army:—all officers to retain their carriages and bat-horses; and no baggage to be molested or searched:—the officers, as far as circumstances will admit, not to be separated from their men; and to be quartered according to their rank:—all corps whatever of general Burgoyne's army to be included in the above articles:—all Canadians, and other followers, to be permitted to return to Canada, to be conducted to the first British post on Lake George, supplied with provisions like the other troops, and bound by the same condition of not serving during the present contest:—passports to be granted to three officers, for carrying despatches to Sir William Howe, to Sir Guy Carleton, and to Great Britain: the officers to be admitted on their parole, and to be allowed to wear their side-arms.' So great were the embarrassments of the royal army, incapable of subsisting in its present position, or of making its way to a better, that these terms

were rather more favorable than they had a right to expect; on the other hand, it would not have been prudent for the American general, at the head of an army, which, though numerous, consisted mostly of militia and new levies, to provoke the despair even of an inferior number of brave, disciplined, and regular troops: he rightly judged that the best way to secure his advantages was to use them with moderation. Soon after the convention was signed, the Americans marched into their lines, and were kept there till the royal army had deposited their arms at the place appointed. The delicacy with which this business was conducted, reflected great credit on the American general; nor did his urbanity end there: every circumstance which could appear like a triumph in the victorious army was withheld; the captive leader was received by his conqueror with respect and kindness; many of the principal officers on both sides met at general Gates's quarters, and for a while seemed to forget in social conviviality that they had ever been enemies: the conduct also of general Burgoyne in his painful situation was truly dignified; and the historian is at a loss whether to admire most the magnanimity of the victorious, or the fortitude of the vanquished commander.

The British troops partook liberally of the plenty that reigned in the American camp; which was the more acceptable, as they were destitute of bread and flour, and had only as much meat as was sufficient for a day's subsistence.

By this convention 5790 men surrendered prisoners of war: the sick and wounded left in camp on the retreat to Saratoga, together with the numbers who were killed, wounded, or taken, or who had deserted in the preceding part of the expedition, were reckoned to be 4689: the whole royal force, exclusive of Indians, was probably about 10,000. The stores acquired by the Americans were considerable; for all the British artillery, consisting of thirty-five brass field-pieces, 4647 muskets, and a variety of other useful articles, fell into their hands.

In a short time after the convention had been signed, general Gates moved forward to stop the devastations committed by the British on the North river; but found that they had already retreated.

About the same time, the royal troops, which had been left in the rear at Ticonderoga, destroyed their cannon, and retired to Canada; when the whole country, after having experienced for several months the tumults of war, was restored to complete tranquillity. As Sir William Howe was loudly and generally blamed for deserting the northern army, it is right to mention

the justification pleaded on his behalf. By his expedition to the southward, he drew off the main army under Washington from general Burgoyne's quarter, and thus effected the most powerful diversion possible: on the other hand, had he advanced up the Hudson, Washington with his whole force would have cut off his communication with New York, or with the northern army: besides, by the fall of Ticonderoga and the early successes of Burgoyne, his presence seemed to be unnecessary: had he proceeded to the assistance of a victorious general, he would have appeared as if actuated by a mean spirit of jealousy: add to this, that his instructions from England pointed to Philadelphia as his object. One of the main sources of British misfortunes throughout this war arose from the extraordinary plan of committing the direction of military operations on the other side of the Atlantic to a member of the cabinet[9] at home. The scheme of leading general Burgoyne's army through the impracticable country between Canada and New York, by way of Albany, originated in that quarter; being preferred to the more feasible and important plan of sending it from Quebec by sea, to co-operate with Sir William Howe.[10]

Congress, it has been said, did not act toward the captive troops in the same spirit of generosity which distinguished the American commander: but let us do justice even to an enemy. When the army arrived in the vicinity of Boston, such unsuitable accommodations were provided for its reception, owing to the ill-will of the people, and the little authority possessed by their rulers, that the officers presented a remonstrance to general Burgoyne; and he forwarded it to the seat of government, with an additional remark of his own, 'that the public faith was broken.' This declaration strengthened an apprehension previously entertained, that the captured troops, on their embarkation, would be sent to augment the royal garrisons in the colonies; and having been made while the general was still in the power of congress, it certainly gave them some cause to suppose that, under all circumstances, he would make this notice a justification of his future conduct: therefore, although he endeavored to explain the intention and construction of the objectionable remark, under the signature of himself and all his officers, congress refused to allow the British troops to embark without a distinct and explicit rati-

[9] Lord George Germaine.
[10] Account of Lord North's Administration, p. 269

fication of the treaty of Saratoga from the British government. As the desired ratification might have been obtained in a few months, the long detention of the British army ought to be referred to the counsels of our own cabinet, rather than to the hostility of the American congress.

During this year, American privateers increased in numbers and audacity, insulting the coasts of Great Britain and Ireland in a manner never before attempted: one of them even landed its men at Penzance, to plunder the farms in that neighborhood; and the East India ships were ordered to take on board more men for the sake of defence: in the French West Indian islands, the inhabitants not only purchased their prizes, but fitted out cruisers against British commerce under American colors and commissions. These offences were overlooked as far as was consistent with national honor; but when the General Mifflin privateer arrived at Brest, and had its salute returned by the French admiral, lord Stormont threatened to return to England unless he received complete satisfaction. Orders were accordingly issued, as already has been related, for all American vessels to leave the ports of his most christian majesty: but though the order was positive, so many evasions were practised, and its execution was so much relaxed, that it produced no permanent effect.

Parliament assembled on the twentieth of November; its prorogation having been extended to an unusual length, as was supposed, to afford his majesty an opportunity of congratulating the British senate on the splendid success anticipated from general Burgoyne's campaign. The king's speech declared the necessity of continuing the war; and the probability that the land-forces must not only be kept complete to their full establishment, but even augmented by new contracts: of the disposition of foreign powers it spoke in a doubtful manner. 'As on the one hand,' said his majesty, 'I am determined that the peace of Europe shall not be disturbed by me; so, on the other, I shall always be a faithful guardian of the honor of the British crown.' Addresses were moved, as usual, full of the most lavish panegyric on the speech, and the profound wisdom of ministers: Sir Gilbert Elliot, who seconded lord Hyde in the house of commons, declared, in all the fervor of youth, that the rectitude of their measures was so demonstrable, that he was amazed a single Englishman could be found hardy enough to oppose them and justify the Americans. It was at this time made a matter of complaint, that government disseminated, by all the powers of influence, an

opinion that the opposers of its measures were unprincipled, clamorous, and seditious men, who aimed only at embarrassing those in power, with the hope of rendering their posts untenable, and advancing themselves:[1] and, indeed, it must be confessed, that many men, even in the most responsible situations, carried party spirit to such a pitch, as to make no scruple of sacrificing to it the best interests of their country. The marquis of Granby, after stating and lamenting the disastrous effects of the war, expressed an ardent desire to seize the present moment, and have the happiness to lay the ground-work of a reconciliation: he therefore moved an amendment to the address, the substance of which was, 'to request that his majesty would adopt some measures for accommodating all differences with America; recommending a cessation of hostilities, as necessary for so desirable an end; with an assurance, that the commons were determined to co-operate with him in every measure tending to the re-establishment of peace.' This motion was seconded, with additional arguments, by lord John Cavendish, and supported by the opposition generally on the following grounds:—after three years' war, an expenditure of fifteen millions of money, and the loss of many brave troops, we had no more prospect of bettering ourselves than when we began: notwithstanding the hopes of success yearly held out in the king's speech, our progress exhibited an uninterrupted series of mortifying disappointments and humiliating losses; the state of interest, of the stocks, and of real estates, as well as the gazettes, too plainly showed the degree in which our trade had been affected; while the defenceless state of our coasts, and commercial fleets, demonstrated that if we were at present unable to protect the national trade, we should be still less able when involved in a war with the house of Bourbon; an event, which might be considered as fast approaching. This then was the time to extricate ourselves from difficulties, by reversing that ruinous and absurd system of coercion, which had irritated the colonists, strengthened the hands of our enemies, and brought no profit to ourselves.

The address in the upper house, moved by earl Percy, caused an interesting debate, by calling up lord Chatham, who proposed an amendment, declaring that he would not join in congratulation on misfortune and disgrace: he said, the present was a perilous and tremendous period, not a time for

[1] Lord North's Administration, p. 289.

adulation; and he pointed out the degraded situation to which the country was reduced, in being obliged to acknowlege as enemies those whom we had designated as rebels; in seeing them encouraged and assisted by France, while ministers dared not to interpose with dignity and effect. He then explicitly stated his repugnance to the independence of the colonists: he would warmly sanction the struggle of free and virtuous patriots against arbitrary exactions; but a claim of independence and disjunction from Great Britain he could not allow as an Englishman, or commend as a philanthropist. He concluded by recommending an immediate cessation of hostilities, and the commencement of a treaty to restore peace and liberty to America, strength and happiness to England, security and permanent prosperity to both countries. 'This, my lords,' said he, 'is yet in our power; and let not the wisdom and justice of your lordships neglect the happy, and perhaps the only opportunity.'

His lordship was ably supported by the other peers in opposition. In reply to some observations on the employment of Indians in this unhappy war, ministers strenuously defended, not only its policy, but its justice: if the women and children of the Americans were destroyed by these savages, it was said, they only were to blame, who by their rebellion had brought on themselves such calamities. Lord Suffolk had the hardihood even to assert, that the measure was allowable on principle; inasmuch as it was justifiable to use all the means that God and nature had put into our hands. The whole of these arguments, particularly the last, roused the stern indignation of lord Chatham, who suddenly rose, and gave full expression to his feelings:—'To send forth the merciless cannibal thirsting for blood! Against whom? Your protestant brethren! to lay waste their country, to desolate their dwellings, and extirpate their race and name by the aid and instrumentality of these hell-hounds of war! Spain can no longer boast pre-eminence in barbarity: she armed herself with blood-hounds to extirpate the wretched natives of Mexico; but we, more ruthless, loose these dogs of war against our countrymen in America, endeared to us by every tie that should sanctify humanity. My lords, I solemnly call on your lordships, and on every order of men in the state, to stamp on this infamous procedure the indelible stigma of public abhorrence: more particularly I call on the holy prelates of religion to do away this iniquity: let them perform a lustration to purify their country from this deep and deadly sin. My lords, I am old and weak, and at

present unable to say more; but my feelings and indignation were too strong to have said less: I could not have slept this night in my bed, nor reposed my head on my pillow, without giving this vent to my eternal abhorrence of such enormous and preposterous principles.'

It was not, however, in the power of eloquence to alter the determination of a cabinet which daily anticipated victories that would completely silence all opposition. On the division, twenty-eight lords only voted in support of the motion, against ninety-seven who opposed it.

On the twenty-eighth of November the duke of Richmond moved for a committee of the house to inquire into the state of the nation; also for the production of a number of papers relative to the army, navy, and colonies; which motions were granted without opposition. On the same day, Mr. Fox made similar motions in the lower house, when that for a committee was carried unanimously; but lord North opposed a subsequent demand for papers, as liable to make discoveries prejudicial to the interests of the country. In the course of debates which followed, Mr. Burke vented some misapplied witticisms against lord North, whom he compared to Sancho Panza in the government of Barataria; while Mr. Fox with happier effect compared lord George Germaine to Dr. Sangrado. 'For two years,' said he, 'that a noble lord has presided over American affairs, the most violent scalping and tomahawk measures have been pursued: bleeding has been his only prescription. If a people, deprived of their ancient rights, are grown tumultuous, bleed them! If they are attacked with a spirit of insurrection, bleed them! If their fever should rise into rebellion, bleed them! cries this state physician: more blood! more blood! still more blood! When Dr. Sangrado had persevered in a similar practice, killing by the very means he used for a cure, his man took the liberty to remonstrate against a practice that was beginning to bring their names into disrepute. The doctor answered, I believe we have indeed carried the matter a little too far; but you must know, I have written a book on the efficacy of this practice; therefore, if every patient we have should die by it, we must continue the bleeding for the credit of my book.'

Mr. Dunning contended strenuously for the production of the papers; and the attorney-general was beginning to reply to his arguments, when intelligence was circulated in a whisper, that they had been granted in the house of lords. Mr. Thurlow was for a moment disconcerted, but he declared that what-

ever ministers might do, he, as a member of parliament, would never vote for publishing the circumstances of a negociation during its progress. Lord North, being somewhat irritated by a triumphant laugh, among the opposition members, was bantered by colonel Barré on the unusual circumstance of losing his temper; and Mr. Fox declared, that the only argument against a compliance with his motion was invalidated by the resolution of the upper house: disclosures need not be dreaded, where no secret could be kept.

The debate assumed a new complexion from a judicious speech by governor Pownal: he thought all the papers in question unworthy of attention, so far as respected the subject of peace: even the act of parliament was of no avail on that point; for it did not empower government to treat with the Americans, but as subjects: hence the inefficacy of lord Howe's negociations. Declaring himself as uninfluenced by party connexions, as he had been nine years ago, when he predicted the precise progress of American resistance, he said,—'I now tell this house and government, that the Americans will never return to their subjection: sovereignty is abolished and gone for ever: the navigation act is annihilated: of what use then are these papers? of what import our debates? Disputation and abuse may afford amusement; but neither America nor England can be benefited by such discussions in the present crisis. Until the house shall be disposed to treat with the United States as an independent, sovereign people, schemes or plans of conciliation, whoever may suggest them, will be found unimportant.' The papers were ultimately refused

On the twenty-sixth attention was paid to the estimates: the number of seamen was fixed at 60,000, and the troops to be employed in America at 55,000. These votes were not passed without severe strictures on the mode of conducting every branch of service.

During one of the debates, on the third of December, colonel Barré asked the American secretary, what, on his honor, was become of general Burgoyne and his brave army; and whether he had not received information, by express from Quebec, of their having surrendered to the enemy?

Lord George Germaine was obliged to confess that he had received such information; but it was unauthenticated, and therefore he could not declare it officially: he hoped the house would suspend their judgment both on the general and the minister: he was ready to submit his conduct in planning the expedition to investigation: if it appeared impotent and

injurious, let the censure fall on him. Colonel Barré launched forth severe invectives against the cool and easy manner in which the secretary of state had related the fate of a brave officer with his army; and was followed by Mr. James Luttrell, Mr. Burke, Mr. T. Townshend, and Mr. Fox. The solicitor-general endeavored to reconcile the country gentlemen to this disastrous intelligence, by appealing to British magnanimity under distress, the certain harbinger of victory; while lord North declared that no man had, from the beginning, been more desirous of peace than himself: if the surrender of his place and honors could obtain it, he would cheerfully resign them: he had reluctantly accepted his situation; but while in possession, he would support it to the best of his power. On the fifth, the earl of Chatham moved, in the house of lords, 'that an address be presented to his majesty for copies of all orders and instructions issued to general Burgoyne relative to the late expedition from Canada.' Holding up a paper to the view of the house, his lordship said, that 'he had the king's speech in his hand, and a deep sense of the public calamity in his heart. That speech contained a most unfaithful picture of the state of public affairs: it had a specious outside; was full of hopes, while every thing within was full of danger. A system, destructive of all faith and confidence, had been introduced within the last fifteen years at St. James's, by which pliable men, not capable men, had been raised to the highest posts: a few obscure persons had obtained an ascendency where no man ought to have a personal ascendency; and by the most insidious means the nation had been betrayed into a war, of which they now reaped the bitter fruits. The spirit of delusion had gone forth; ministers had imposed on the people; parliament had been induced to sanctify the imposition; a visionary phantom of revenue had been conjured up for the basest of purposes; but it was now for ever vanished.' His lordship observed, 'that the abilities of general Burgoyne were confessed, his personal bravery was not surpassed, his zeal in the service unquestionable: he had experienced no pestilence; nor suffered any of the accidents which sometimes supersede the wisest and most spirited exertions of human industry. What then is the cause of his misfortune?—want of wisdom in our councils, want of ability in our ministers. The plan of penetrating into the colonies from Canada, was a most wild, uncombined, and mad project; and the mode of carrying on the war was the most bloody, barbarous, and ferocious recorded in the annals of history: the

arms of Britain had been sullied and tarnished by blending the scalping-knife and tomahawk with the sword and firelock: such a mode of warfare was a contamination, which all the waters of the Hudson and the Delaware would never wash away: it was impossible for America to forget or forgive so horrid an injury.'

In the course of his speech, he animadverted in severe terms on the language recently held by the archbishop of York. 'The pernicious doctrines advanced by that prelate were,' he said, 'the doctrines of Atterbury and Sacheverel: as a whig, he abjured and detested them; and he hoped he should yet see the day when they would be deemed libellous, and treated as such.' Though the motion was negatived, his lordship returned to the charge; and next moved an address to the king, 'that all orders and treaties relative to the employment of the Indian savages be laid before the house;' but in no debate did this great man appear to less advantage. Lord Gower, rising to oppose the motion, asserted 'that the noble lord had himself employed, and acknowieged that he had employed, savages in the operations of the last war.' This charge lord Chatham peremptorily denied, reproaching lord Gower with the charge of petulance and misrepresentation. Indians, he confessed, had crept into the service during the last war; but their employment had never been sanctioned by him officially: he challenged ministers to produce any such instructions of his; and he called on lord Amherst, who had commanded in America at the time referred to, for a declaration of the truth. Lord Amherst, not being able to evade this appeal, reluctantly owned that Indians had been employed on both sides:—'The French employed them first, he said, 'and we followed their example: but most certainly I should not have ventured to do so, if I had not received orders to that purpose.' Lord Denbigh was very severe on the noble earl, whom he called 'the great oracle with the short memory;' asserting that the returns of the army must have shown that the Indians were employed last war. Lord Shelburne made an ingenious attempt to extricate his noble friend from this apparent contradiction of his own orders, by suggesting that they were probably sent through the board of trade, not through the secretary's office; lord Chatham caught eagerly at the subterfuge: he was sure the order had not passed regularly through his office; nor would the humanity of his late majesty have sanctioned so satanic a measure: but the fallacy of this pretence was exposed by lord Suffolk, who observed that all instruc-

tions to governors and commanders in chief necessarily passed through the office of the secretary of state, and were countersigned by the king. Lord Townshend justified the measure both in the last and present war; and the earl of Dunmore, late governor of Virginia, declared that he himself had been attacked by a party of Indians set on by the people of that colony. The debate continued till eleven o'clock at night, when lord Chatham's motion was disposed of by the previous question, the majority being forty to eighteen.

On the tenth of December the royal assent was given to a bill for continuing the suspension of the habeas corpus act in certain cases of piracy and treason; also to the land and malt tax bills, those standing resources of government revenue; and after the discussion of some motions, made with a design of embarrassing ministers, an adjournment to the twentieth of January was proposed by lord Beauchamp: this was strongly objected to as highly improper at so critical a period; and Mr. Burke proposed, as an amendment, that the house should adjourn for a week. The reply of ministers was short: their ostensible reasons for the original motion were, that all business of importance was transacted; no apprehensions were entertained of foreign powers; no material progress could be made at present in the field, or by negociation; and the committee on the state of the nation, to which all important questions were to be referred, would not sit till February. In reality, they desired a breathing time, as a relief from the annoyance of business under the late distressing intelligence; they also required leisure to deliberate on the means of repairing losses abroad, and preparing for those inquiries which had been agreed by both houses of parliament. After a long debate, the proposed adjournment was carried by a hundred and fifty-five against sixty-eight; and next day a similar motion, equally agitated in the house of lords, was carried by a majority of forty-seven to seventeen.

During the recess, each party displayed an earnest desire to conciliate public opinion in its favor, and secure the success of its future schemes: but though for a time a certain degree of despondency, produced by the intelligence from America, favored the views of opposition; yet the ministerial predictions, that the spirit of the nation would shake off all gloomy anticipations of the future, and rouse itself to activity, were soon verified. Public meetings of corporate bodies, towns, and counties being called together, took this opportunity of showing their attachment to the crown in the strongest lan-

guage: nor was this all; Manchester and Liverpool each raised a regiment of 1000 men; Edinburgh and Glasgow followed their example; independent companies were raised in Wales and the highlands of Scotland; and although the livery of London and corporation of Bristol, steady to their expressed opinions, refused to co-operate in these schemes; yet a large sum of money was raised in both places by subscription for the public service; so that a body of 15,000 men was placed at the disposal of government by these patriotic efforts When parliament assembled after the recess, this mode of raising troops, without the concurrence or knowlege of the legislature, occasioned violent debates, being considered unconstitutional and dangerous to public liberty: neither was the plan thought consistent with economy, though calculated to serve certain influential persons, who were complimented with the appointment of officers to the newly-formed regiments. The purchase-money of their commissions, it was said, would vastly exceed the amount of the gratuities; and their full and half pay might have been spared to the nation by an offer of bounties to recruits entering into the old regiments.[12]

While the strenuous partisans of ministers thus supplied them with means for carrying on the war, people of different sentiments found another channel into which they could direct their bounty. Complaints had been made, and noticed in the house of lords, that the American prisoners were treated with great cruelty in British prisons: the subject was investigated; and although it could not be shown that government authorised any wanton exercise of power in regard to food, fuel, or personal treatment; yet instances were discovered, in which the hardships arising from a slender allowance were still farther increased by the inhumanity of keepers. To relieve these distresses, a subscription was opened; and the prisoners were supplied with clothes, firing, bedding, and other necessaries during the winter.[13]

On the third of November the queen was safely delivered of a daughter, the princess Sophia. In this year the first duty was laid on goods sold by auction, as well as on inhabited houses.

[12] Lord North's Administration, p. 296. [13] Ibid.

APPENDIX.

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DECLARATION OF INDEPENDENCE OF THE UNITED STATES OF AMERICA, JULY 4, 1776.

When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them; a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident:—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; and whenever any form of government becomes destructive of these ends, it is the right of the people to alter and abolish it, and to institute a new government; laying its foundation on such principles, and organising its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence indeed will dictate, that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed: but when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government.

The history of the present king of Great Britain is a history of repeated injuries and usurpations; all having in direct object the establishment of an absolute tyranny over these states: to prove this, let facts be submitted to a candid world

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the rights of representation in the legislature;—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representatives' houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolution to cause others to be created, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the mean time, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for the naturalisation of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers, to harass our people and eat out their subsistence.

He has kept among us in times of peace standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowleged by our laws; giving his consent to their pretended acts of legislation:

For quartering large bodies of troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world:

For imposing taxes on us without our consent:

For depriving us in many cases of the benefit of trial by jury

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighboring province; establishing therein an arbitrary government, and enlarging its boundaries; so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilised nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrection amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren: we have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us: we have reminded them of the circumstances of our emigration and settlement here: we have appealed to their native justice and magnanimity: and we have conjured them by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and consanguinity: we must therefore acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies,

solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent states; and that they are absolved from all allegiance to the British crown; and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things, which independent states may of right do: and for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

Signed, by order, and in behalf of the congress,

JOHN HANCOCK, President.

END OF VOL. XV.

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